CHARLOTTETOWN

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1 SCOPE

1.1 AUTHORITY

1.1.1 This by-law is enacted under the authority of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1 and the *Planning Act,* R.S.P.E.I. 1988, c. P-8 of the Province of Prince Edward Island.

1.2 TITLE

1.2.1 This by-law may be cited as the *City of Charlottetown Zoning and Development By-law*, and may be referred to as the *Zoning By-law*.

1.3 SCOPE

1.3.1 This by-law prescribes:

a. The purposes for which land, Buildings and Structures in any Zone may be used;

b. Standards for the placement, Erection, Alteration, and use of Buildings and Structures;

c. The use of a Permit system that includes the application for a Development Permit, Building Permit, Sign Permit, Footing Permit, Demolition Permit and Moving Permit;

d. Standards for Subdivision approval and the Subdivision application process; and

e. Standards for the design and placement of a Sign.

1.3.2 Transitional Provisions

a. Any application for a Permit or Subdivision, that has been made as of the effective date of this by-law shall be processed to completion in accordance with the provisions of the *City of Charlottetown Zoning and Development By-law* (October 17, 2006).

b. Any Permit that has been issued and any preliminary or final Subdivision approval that has been given prior to the effective date of this by-law shall stand as issued or approved until its original expiry date, and any work in accordance with the approved Permit or Subdivision may continue uninterrupted.

1.4 ZONES

1.4.1 The City is divided into Zones for which the regulatory provisions of this by-law apply.

1.4.2 The Zones may be referred to by the following symbols:

	Land Use Category	Land use Zone	Symbol
a.	Residential	i. Single Detached	R-1L
		ii. Single Detached	R-1S
		iii. Narrow Single Detached	R-1N
		iv. Manufactured Housing	MH
		v. Manufactured Housing Residential	MHR
		vi. Low Density	R-2
		vii. Low Density Single	R-2S
		viii. Medium Density	R-3
		ix. Medium Density Townhouse	R-3T
		x. Apartment	R-4
		xi. Apartment – A	R-4A
		xii. Apartment – B	R-4B
		xiii. Medium Density Mixed Use	MUR
b.	Mixed use Residential + Commercial	i. East Royalty Mixed Use Village Centre	ER-MUVC
		ii. Mixed-Use Corridor	MUC
		iii. Business Office	C-1
		iv. Highway	C-2
		v. Shopping Centre	C-3
		vi. Downtown Neighbourhood	DN
		vii. Downtown Mixed Use Neighbourhood	DMUN
		viii. Downtown Mixed Use	DMU
		ix. Downtown Core	DC
		x. Waterfront	WF
c.	Employment/Industrial	i. Industrial Light	M-1
		ii. Industrial Heavy	M-2
		iii. Business Park	M-3
		iv. Airport	A
		v. Port	PZ
		vi. Parking	P
d.	Institutional	i. Institutional	I
		ii. Park/Cultural	PC
e.	Open Space	i. Open Space	OS
f.	Other	i. Comprehensive Development Zone	CDA
		ii. Future Development	FD

1.4.3 The boundaries are shown on the Zoning Map (Appendix G), which is an integral part of this by-law.

1.4.4 Where the boundary of any Zone is uncertain, and:

a. The boundary substantially follows a Street, lane, or other public Right-of-way, then the centre line of such feature is the boundary;

b. The boundary substantially follows Lot Lines shown on the City's property map, then the Lot Lines are the boundaries;

c. The boundary runs substantially parallel to a Street Line and the difference from the Street Line is not indicated, then the boundary shall be deemed to be parallel to such Street Line and the distance from the Street Line shall be determined according to the scale shown on the Zoning Map; or

d. The boundary follows the shoreline of a Watercourse, then the mean high water mark is the boundary unless the municipal boundary is different, in which case the boundary shall be the extremity of the municipal boundary. Where there is a water lot, the extremity of the water Lot shall be the Zone boundary.

1.5 OTHER BY-LAWS, PERMITS, AND LICENSES

1.5.1 Nothing in this by-law shall relieve any person from the obligation to comply with the requirements of any other by-law of the City in force from time to time, or the obligation to obtain any license, Permit, authority, or approval required under any by-law of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada

1.5.2 Where the provisions of this by-law conflict with those of any other City by-law or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail.

1.6 CERTAIN WORDS

1.6.1 In this by-law words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular, all as the context allows; and the word ‘shall’ is mandatory and is not permissive.

1.7 REPEAL

1.7.1 This by-law shall come into force effective the date of the Minister's approval with the exception of Section 5.6.2 and the definition for the Secondary and Garden Suite Registry (Appendix A of this Bylaw) shall come into force upon adoption of a By-law to create this Registry.

1.7.2 The C*ity of Charlottetown Zoning and Development By-law (October 17, 2006)* is hereby repealed.

2 OPERATION

2.1 DEVELOPMENT OFFICER

2.1.1 The Council shall appoint a Development Officer who shall administer this by-law, and the Council may name a designate or designates to the Development Officer.

2.1.2 Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny a Permit or a Subdivision application in accordance with this by-law, except for those applications that require Planning Board, Design Review Board and/or Council to be involved in the process as specified in this by-law.

2.2 PLANNING BOARD

2.2.1 There is hereby established a board for the City to be called the Planning Board.

2.2.2 The duties of the Planning Board are to:

a. Make recommendations to Council for the adoption of planning policies, the adoption of the *Official Plan*, proposed amendments to the *Official Plan*, by-laws in respect to the *Official Plan*; and

b. Perform such other duties of a planning nature as may be requested by Council.

2.2.3 The Planning Board shall comprise of up to fourteen (14) members appointed as follows:

a. The Planning Committee, appointed by Council from time to time for such term of office as the Council may determine. One member of the Planning Committee, appointed by Council, shall serve as chair of the Planning Board.

b. At least four (4) resident members appointed by Council on the recommendation of the mayor for such term of office as determined by Council, but not to exceed the term of the Council at the time of the appointment; and

c. Such other *ex officio* resource people from the City or other government departments who are requested by the chair or the Development Officer from time to time. *Ex officio* resource persons shall not have a vote.

2.2.4 If any member resigns, or can no longer perform their duties, Council may appoint a new member for the remainder of the former member's term.

2.2.5 All members shall be eligible for reappointment by the Council.

2.2.6 The quorum at any meeting shall be one-half of the Planning Board plus one member, including at least two members of the Planning Committee.

2.3 DESIGN REVIEW ROSTER

2.3.1 There is hereby established a Design Review Roster of Design Reviewers.

2.3.2 The duties of a Design Reviewer, as a member of the Design Review Roster, is to provide recommendations, comments and mark-ups on a proposed Development as required as part of the Design Review application process.

2.3.3 Individual Design Reviewers shall be appointed by Council in accordance with the following:

a. At least one member of the roster shall be a locally (PEI) based design professional.

b. Design Reviewers shall be professions with expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering, or a similar profession and must be licensed to practice their respective profession in at least one of the four Atlantic Provinces.

c. Design reviewers shall be appointed by Council for a period of two years. At the end of this period a new call for members shall be issued.

d. Design Reviewers are eligible for reappointment.

e. A Design Reviewer who declines three consecutive reviews without cause shall be deemed to have resigned.

f. Should a vacancy on the Design Review Roster occur for any reason other than the completion of the term of a member, Council shall, within 30daysof the notification of vacancy, appoint a person to fill the vacancy and the persons appointed shall hold office for the remainder of the term of the member in whose place they were appointed.

2.3.4 Upon receipt of the Design Reviewer's recommendations, comments and mark-ups, the Design Reviewer shall be paid an honorarium by the City, the amount of which will be set from time to time by a resolution of Council.

2.4 DESIGN REVIEW BOARD

2.4.1 There is hereby established a Design Review Board.

2.4.2 The duty of the Design Review Board is to make recommendations to Council and/or the Development Officer with regards to the review of applications subject to the Design Review process.

2.4.3 The Design Review Board shall by appointed by Council in accordance with the following:

a. At least one (1) member of the Planning Committee, who shall serve as chair of the Design Review Board; and

b. At least four (4) resident members appointed by Council on the recommendation of the mayor for such term of office as determined by Council, but not to exceed the term of the Council at the time of the appointment; and

c. Such other *ex officio* resource people from the City or other government departments who are requested by the chair of the Design Review Board or the Development Officer from time to time. *Ex officio* resource persons shall not have a vote.

d. If any member resigns, or can no longer perform their duties, the mayor may appoint a new member for the remainder of the former member's term.

e. All members shall be eligible for reappointment by Council.

2.4.4 The quorum at any meeting shall be one-half of the Design Review Board plus one, including at least one member of the Planning Committee.

2.4.5 The Development Officer may request that the Design Review Board conduct a vote by telephone or email, in circumstances where the Committee has already been briefed on the matter and there is no new information to be presented or discussed.

2.5 CONFLICT OF INTEREST

2.5.1 No member of the Planning Board, Design Review Roster or the Design Review Board shall derive any profit or financial advantage from their position and where a member has any pecuniary interest in or is affected by any matter before the Planning Board and/or Design Review Board, they shall declare the interest therein, abstain from the voting and discussion thereon, and physically remove themselves from the meeting venue at that time.

2.5.2 In the event that conflicts of interest should reduce the number of members of the Planning Board and/or Design Review Board below a quorum, the mayor may appoint additional member(s) pro tem in order to satisfy the quorum requirements.

2.6 PUBLIC NOTICE OF APPLICATION APPROVALS

2.6.1 The City shall post notice on their website of the approval of any Permit and Subdivision and this shall be deemed to be notification under the by-law of a Permit being issued.

2.6.2 The notice on the City's website shall:

a. Be updated at least every second week; and

b. Will include the parcel identification number (PID), property address and type of Development approved**.**

2.7 CALCULATION OF NUMERICAL REQUIREMENTS

2.7.1 All numerical requirements in this By-law are provided in metric units of measurement. Imperial units of measurement, where provided, are for user convenience only. Where a discrepancy between metric and imperial measurements occurs, the metric measurement shall prevail.

2.7.2 In this By-law, unless otherwise stated for density and parking calculations, metric fractions of one-half (0.5) or greater must be rounded up to the nearest whole number and fractions of less than one-half (0.5) must be rounded down to the nearest whole number.

3 PERMIT APPLICATIONS AND APPLICATION PROCESSES

3.1 FEES FOR PERMITS AND RELATED SERVICES

3.1.1 The City shall collect fees for permit applications and related services as outlined in the Fee Schedule (Appendix F) and as enabled by the *Planning Act*.

3.1.2 The value of the processing fees shall be set from time to time by a resolution of Council and may be amended by resolution as per the *Municipal Government Act*.

3.1.3 Fees shall be submitted with a completed application form for a:

a. Development Permit, Building Permit, Sign Permit, Footing Permit, Demolition Permit, and Moving Permit;

b. Preliminary or final Subdivision;

c. Variance, Rezoning, Design Review, and Zoning Enquiry;

d. Moving and Demolition Permit deposits; and

e. The value of Cash-in-lieu of Parking Spaces and Parkland.

3.2 PERMIT EXEMPTIONS

3.2.1 A Permit shall not be required for normal Maintenance of a Building or Structure (i.e. shingling, siding, roofing, repainting), for the replacement of windows and doors within existing openings, or for the Erection or replacement of a Fence.

3.3 DEVELOPMENT AND BUILDING PERMITS

3.3.1 No person shall a Development except as provided herein and in conformity with this by-law and the *Province Wide Minimum Development Standards* as per the *Planning Act* and where there is lack of clarity the Province shall be consulted.

3.3.2 No Development shall be undertaken without a Development Permit.

3.3.3 No Building construction, addition or renovation, subject to the *Building Code Bylaw,* shall be undertaken without a Building Permit.

3.3.4 A combined Building and Development Permit may be issued if applicable to the application.

3.3.5 Every person proposing to Erect a Building or undertake a Development shall, when applying for a Development and/or Building Permit, submit the following if applicable:

a. Construction plans and elevation drawings for Building construction.

b. A site plan including:

i. The precise location of Building(s) both existing and proposed, in accordance with the applicable provisions of this by-law;

ii. Details of driveway size and location, on-site paved Parking Spaces and vehicle circulation lanes, Loading Spaces, and fire safety access lanes;

iii. Location and design of urban beautification features;

iv. Location and design of screened trash storage and handling areas;

v. Location and design of appropriate Landscaped Areas; and

vi. Details of Utility Services connections to the Building and the location of existing and proposed Municipal Services.

c. A surface drainage plan showing the existing and proposed Grade elevations and proposed surface drainage flow patterns in relation to adjacent properties.

d. An approved Heritage Permit for any Development on a property that is identified as a Designated Heritage Resource or that is located within a Heritage Preservation Area as defined in the *City of Charlottetown Heritage Preservation By-law*.

e. Any other information as may be required or which may be necessary to ensure compliance with the provisions of the *City of Charlottetown Building Code By-law*.

3.3.6 If an application for a Development and/or Building Permit is incomplete, the Development Officer shall notify the applicant in writing within seven (7) calendar days of the submission.

3.3.7 If an application for a Development and/or Building Permit that is incomplete and remains so for a period of six (6) months, said application is considered abandoned and thus cancelled, null and void.

3.3.8 Where the Development Officer is unable to determine if an application meets the requirements of this by-law, or other by-laws or statutes which may be in force, the Development Officer may refer the application to the Planning Board, and after which a recommendation from the Planning Board, Council shall give direction on the disposition of the application.

3.3.9 An application for a Development and/or Building Permit shall be rejected if:

a. The proposed Development does not conform to this by-law or other by-laws or applicable provincial legislation;

b. The proposed method of water supply and/or waste disposal is not appropriate;

c. There is not a safe and efficient access to the Public Street;

d. The impact of the proposed Development would be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;

e. The proposed Development would be detrimental to the convenience, health or safety of the occupants or residents in the vicinity or the general public.

3.3.10 When an application for a Development and/or Building Permit is rejected, the Development Officer shall notify the applicant in writing of the decision and the reason for the refusal within seven (7) calendar days of the decision.

3.3.11 Construction undertaken pursuant to a Development and/or Building Permit shall be commenced within a twelve (12) month period from the date of issuance, and shall be completed within the time specified on the Permit when applicable.

3.3.12 A Development and/or Building Permit may be renewed for one (1) period upon application to the Development Officer and shall be valid only for the time period specified at the time of renewal.

3.3.13 Council may require that a Development Agreement be signed between the two parties indicating that the Development will be carried out in accordance with the drawings and other documents produced in respect of the proposed Development and agreed upon between both parties, and the Development Agreement shall bear the signatures of the applicant and the City. When an applicant refuses to enter into a Development Agreement when required by the City, the application shall be denied.

3.3.14 The Development Officer shall give consideration to the disposition of a Development and/or Building Permit application having regard to the following Development principles:

a. Compatibility and interrelationship of the proposed uses of the Building(s);

b. The convenience, adequacy and safety of the Street and pedestrian connections including Parking spaces, driveways, and access points;

c. The suitability of Municipal Services and connections;

d. The adequacy of storm water drainage systems, both surface and underground;

e. The adequacy of fire protection access;

f. The preservation or enhancement of a View Plane of the Charlottetown Harbour (Hillsborough and York Rivers) from a Public Street (projection of their Right-of-way to the water) or Park.

3.3.15 Further to the above Development principles, for large commercial facilities the Development Officer shall give further consideration to the following factors:

a. Parking that is designed for convenience, safety, and esthetic excellence, and providing for appropriate snow removal and surface water drainage;

b. Provision of green spaces for urban planting and maintenance of mature trees, shrubs and other suitable vegetation;

c. The impact on the Public Street system and traffic flow;

d. Safe and convenient access and egress between the site and the Public Street;

e. Building form and design that is compatible with adjacent urban or natural landscape, natural environment, adjacent Building forms, architectural features and scale;

f. Appropriate infrastructure and Municipal Services, traffic and traffic controls, transportation modes and connections; and

g. The provision for an equitable, proportionate contribution by the applicant to any incremental public improvements that may be necessitated by the proposed Development.

3.4 FOOTING PERMITS

3.4.1 A Footing Permit shall be required for all Building Permit applications where the proposed Building's Setback is within 0.3 m (1 ft) or less of the minimum Setback permitted in the Zone.

3.4.2 When a Footing Permit has been issued, a Footing Certificate or survey shall be submitted to confirm the location of the Building's footing prior to the Building Permit being issued.

3.4.3 A Footing Permit may be issued as an initial Phase of a multi-Phase Building Permit, where sufficient information has been provided to evaluate the Building Permit's compliance on all other provisions of this by-law and the *City of Charlottetown Building Code By-law*.

3.5 DEMOLITION PERMITS

3.5.1 No Building or Structure shall be demolished without obtaining a Demolition Permit.

3.5.2 A Demolition Permit may be issued for a Building or Structure, or a part thereof, unless the property on which the Building or Structure is located is identified as a Designated Heritage Resource or is located within a Heritage Preservation Area, as per the *City of Charlottetown Heritage Preservation By-law.*

3.5.3 Debris from a demolition site shall be hauled to and disposed of at a provincially approved location.

3.5.4 The foundation of a demolition site shall be leveled to Grade, unless the Demolition Permit was approved in conjunction with an approved Development Permit for the same property.

3.5.5 An application for a Demolition Permit shall include the submission of a damage deposit, in an amount set from time to time by Council.

3.5.6 A Demolition Permit shall be valid for sixty (60) calendar days unless the Development Officer prescribes a greater time period which is not to exceed ninety (90) calendar days.

3.6 MOVING PERMIT

3.6.1 No Building or Structure shall be moved through, into, or out of the City without obtaining a Moving Permit.

3.6.2 An application for a Moving Permit shall include:

a. The transportation route within City boundaries;

b. The date and time of the proposed move; and

c. An approved Development Permit for a Building moving onto a property within the City.

3.6.3 When a Building is moved off of a property within the City the foundation shall be leveled to Grade, unless the Moving Permit was approved in conjunction with an approved Development Permit for the same property.

3.6.4 An application for a Moving Permit shall include the submission of a damage deposit, in an amount set from time to time by Council.

3.7 OCCUPANCY PERMITS

3.7.1 No person shall use or occupy any Building or Structure which has been constructed or Altered in accordance with the *City of Charlottetown Building Code By-law* without first obtaining an Occupancy Permit.

3.7.2 An occupancy Permit shall not be issued until:

a. The Owner has satisfied to the City that the work carried out conforms to all regulations, to all plans submitted for the Building Permit and to any conditions of the Building Permit; or

b. The City is satisfied that the work has progressed to a stage where occupancy of the Building or Structure does not endanger the health or safety of the occupants or any other person entering therein.

3.7.3 An Occupancy Permit may be issued after:

a. Receiving satisfactory reports from the Building Inspector and /or the Fire Inspector;

b. Being satisfied that all the requirements for the Building Permit including the site plan have been met; and

c. Being satisfied that the Building, Structure and/or Development complies with all applicable City by-laws.

3.7.4 The Development Officer may post or cause to be posted one (1) or more notices on any part of a Building or Structure, or an Addition or part thereof that is being occupied in contravention of this by-law.

3.8 MINOR VARIANCES

3.8.1 When a Development and/or Building Permit application does not meet the minimum regulations of this by-law, the applicant may apply for a Minor Variance to:

a. Reduce the minimum Setback requirement for a Front, Rear, Side and/or Flankage Yard by up to 15%; and

b. Reduce the minimum regulation pertaining to Lot Area, Lot Frontage and/or Building Height by up to 10%.

3.8.2 An application for a Minor Variance shall be submitted with sufficient information as may be required by the Development Officer for the purpose of adequately assessing the proposal, including:

a. A legal description and a plot plan, or a survey plan, accurately showing the location of the property and Building(s) or Structure(s) on the property in question;

b. The name and address of the Owner(s) of the property and, if the applicant is not the Owner, a statement as to the applicant's interest in the property;

c. Drawings to illustrate any proposed Development for the Lot in a detailed concept plan; and

d. Such other information as deemed necessary by the Development Officer to evaluate the proposal.

3.8.3 Before a Minor Variance may be approved, the Development Officer shall:

a. Receive from the applicant a completed Variance application and sufficient funds to cover the cost associated with processing the application;

b. Provide written notice by ordinary mail explaining the purpose of the proposed Minor Variance to all Affected Property Owners within 100 m (328.1 ft) of the boundaries of the subject Lot; and

c. Ensure that the notice identifies the subject Lot and describes the Minor Variance application and the date by which written objections must be received.

3.8.4 If no objections are received within fourteen (14) calendar days from the date of the notice, the Minor Variance may be approved by the Development Officer.

3.8.5 If an objection to the proposed Minor Variance is received within fourteen (14) calendar days from the date of the notice:

a. The Minor Variance application will be referred to the Planning Board which shall consider the request and the comments received in response to the notice.

b. Where the Planning Board supports the Development Officer's recommendation on the disposition of the application, the decision to approve or reject the Minor Variance may be determined by the Development Officer; or

c. Where the Planning Board and Development Officer disagree on the disposition of the application, the Development Officer may refer the application to Council for a final decision.

3.8.6 When an application for a Minor Variance has been lawfully denied, the same or a similar Minor Variance application shall not be considered within one (1) year of the decision unless:

a. New material facts or evidence not available at the time of the initial order or decision have come to light; or

b. A material change of circumstances has occurred since the initial order or decision.

3.8.7 If, after two (2) years of a Minor Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Minor Variance and the related Permit shall automatically be deemed null and void.

3.9 MAJOR VARIANCES

3.9.1 Where a Development and/or Building Permit application does not meet the regulations of zones in this by-law as listed in Section 8, the applicant may apply for a Major Variance if the proposed Building or Development complies with the general intent and purpose of the *City of Charlottetown Official Plan*, and in any of the following circumstances:

a. The proposed Building Height is more than the percentage allowed with a Minor Variance, and the application is not eligible for a Bonus Height;

b. The need for consideration of a Major Variance is owing to peculiar conditions specific to the property and is unique to the area and not the result of actions by the Owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship;

c. The extension or intensification of a specific non-conforming use upon a site occupied by such use or Building on the effective date of this by-law;

d. A non-conforming use of a Building or Lot which has been discontinued for a period of six (6) months or more to be reestablished the previous non-conforming use provided it has not been discontinued for more than two (2) years;

e. A less intensive use of the Building or site other than the previous non-conforming use, provided that the Building or Structure had not at any time in the interim become a conforming use;

f. A temporary use or Structure in a manner otherwise prohibited by this by-law for a period lasting no longer than one (1) year;

g. An Accessory Building to be located on a Lot closer to the Street than the main Building on the Lot;

h. The need for consideration of a Major Variance is supported by a recommendation from the Heritage Board, and the proposed Development is deemed necessary for the preservation of a Designated Heritage Resource, as identified in the *City of Charlottetown Heritage Preservation By-law.*

i. The Variance request is not substantial and does not entail a Rezoning application. If there is any doubt, then a Rezoning application or Site Specific Exemption must be sought by the applicant.

j. The need for consideration of a Major Variance is supported by a recommendation from the Arts Advisory Board and the proposed mural or Sign painted on a Building or Structure in the 500 Lot Area is deemed aesthetically appropriate in nature, location, size and scale for enhancing or supporting the art and cultural needs of the community as a whole.

3.9.2 An application for a Major Variance shall be submitted with sufficient information as may be required by the Development Officer for the purpose of adequately assessing the proposal, including:

a. A legal description and a plot plan, or a survey plan, accurately showing the location of the property and Building(s) or Structure(s) on the property in question;

b. The name and address of the Owner(s) of the property and, if the applicant is not the Owner, a statement as to the applicant's interest in the property;

c. A drawing or statement to explain under which criteria as stated above for application for a Major Variance the application is being sought;

d. Drawings to illustrate any proposed Development for the Lot in a detailed concept plan; and

e. Such other information as deemed necessary by the Development Officer to evaluate the proposal.

3.9.3 Before a Major Variance may be approved, the Development Officer shall:

a. Receive from the applicant a completed Variance application and sufficient funds to cover the cost associated with processing the application;

b. Provide written notice by ordinary mail explaining the purpose of the proposed Major Variance to all Affected Property Owners within 100 m (328.1 ft) of the boundaries of the subject Lot; and

c. Ensure that the notice identifies the subject Lot and describes the Major Variance application and the date by which written objections must be received.

3.9.4 After fourteen (14) calendar days from the date of the notice, the Major Variance will be referred to Planning Board which shall consider the request and any comments received in response to the notice, and shall make a recommendation to Council. Council may, without prejudice, approve or reject the Major Variance.

3.9.5 When an application for a Major Variance has been lawfully denied, the same or a similar Major Variance application shall not be reheard by Council within one (1) year of its rendering a decision unless:

a. New material facts or evidence not available at the time of the initial order or decision have come to light; or

b. A material change of circumstances has occurred since the initial order or decision.

3.9.6 If, after two (2) years of a Major Variance approval, no Development and/or Building Permit has been issued or the Development and/or Building Permit has not been acted upon (construction has not commenced), the Major Variance and the related Permit shall automatically be deemed null and void.

3.10 AMENDMENTS TO THE BY-LAW AND REZONINGS

3.10.1 Council may initiate an amendment to the *Zoning and Development By-law* to change the text of the by-law or to Rezone a property without the authorization of the Owner(s) of land(s) involved in the Rezoning, provided that the proposed amendment obtains the support of Council and complies with the general intent and purpose of the *Official Plan*. If the proposed amendment is contrary to the policies in the *Official Plan*, an amendment to the *Official Plan* must be filed in-conjunction with the by-law amendment.

3.10.2 A person who seeks to Rezone a parcel of land, or to otherwise have this by-law amended, shall submit an application that includes such information as may be required by the Development Officer for the purpose of adequately assessing the desirability of the proposal, and if the application is for a Rezoning it shall include:

a. Sufficient funds to cover the cost associated with processing the application;

b. A legal description and a plot plan, or a survey plan, accurately showing the location of the property or properties to be Rezoned;

c. The names and addresses of the Owner of the property and, if the applicant is not the Owner, a statement as to the applicant's interest in the property;

d. Drawings to illustrate any proposed Building(s) for the Lot in a detailed concept plan with a floor plan and elevations for the Building(s) and a detailed site plan showing the location of the Building(s) on the Lot and any required Landscaped Areas; and

e. Such other information as deemed necessary by the Development Officer to evaluate the proposal.

3.10.3 Before amending the regulations of this by-law or rezoning any parcel of land, Council shall conduct a public meeting to receive the views and opinions of the public and the applicant. Council may, for reasons that are in the best interests of the City, reject a proposed amendment to this by-law without public notice and without referral to a public meeting, but if an application goes to a public meeting, then Council shall determine the disposition of the application and the applicant may not be allowed to withdraw the application after the public meeting.

3.10.4 Before a Rezoning is heard at a public meeting, the Development Officer shall:

a. Provide written notice by ordinary mail advise all Affected Property Owners within 100 m (328.1 ft) of the boundaries of the subject Lot through notification in writing at least seven (7) calendar days prior to the public meeting, of the date of the public meeting; and

b. Ensure that the notice identifies the subject Lot and describes the Rezoning application and the date by which written objections must be received.

c. Publish a notice in not less than two issues of a newspaper circulating in the City with the first notice at least seven (7) calendar days prior to the public hearing date.

d. Post a copy of the notice in at least one (1) conspicuous place on the subject Lot at least seven (7) calendar days prior to the date fixed for the public meeting.

3.10.5 When an application for a text amendment to this by-law or a Rezoning has been lawfully denied, the same or a similar application shall not be reheard by Council within one (1) year of its rendering a decision unless:

a. New material facts or evidence not available at the time of the initial order or decision have come to light; or

b. A material change of circumstances has occurred since the initial order or decision.

3.10.6 A notice in writing shall be sent to the applicant within seven (7) calendar days of the Council decision stating if the application is successful, and if not successful, stating the appeal process available to the applicant.

3.10.7 Where there is a proposed amendment to the text of this by-law that does not entail Rezoning, all procedures in this subsection shall be followed except that the procedure for notification of Affected Property Owners shall not apply.

3.11 SITE SPECIFIC EXEMPTION

3.11.1 Council may approve a Site Specific Exemption to the permitted uses and regulations in any Zone, where the following criteria are satisfied:

a. The proposed Site Specific Exemption is not contrary to the *Official Plan*. If an application is contrary to the policies in the *Official Plan*, an application to amend the *Official Plan* must be filed in-conjunction with the application;

b. If a proposed use of land or a Building that is otherwise not permitted in a Zone is sufficiently similar to or compatible with the permitted uses in a different Zone, Council may consider Permitting such an application through a by-law amendment process;

c. Council may consider Rezoning a property and restricting some or all of the permitted uses within the Zone with the exception of the proposed use under consideration; and

d. The proposal does not undermine the overall integrity of any given Zone, is in the public interest and is consistent overall with good planning principles.

3.11.2 Notwithstanding any other provision of this by-law, Council may approve a Site Specific Exemption to the permitted uses or regulations within any Zone, after:

a. Receiving a recommendation from the Development Officer and Planning Board; and,

b. Following the process as prescribed for an amendment to this by-law.

3.12 BONUS HEIGHT APPLICATIONS

3.12.1 An increase to the minimum standards pertaining to Building Height shall be permitted at the discretion of the Development Officer/Planning Committee in certain Zones as specified in the regulations of the Zones where applicable, in exchange for securing specific public benefits of one or more of the following:

a. Adaptive reuse, Maintenance, preservation, or enhancement of a Designated Heritage Resource as defined in the *Heritage Preservation By-law*.

b. The provision of Affordable Housing Dwelling Units, by way of subsidization between the applicant and the Province and/or Federal Government(s) for a specified period of time and confirmed in a written agreement registered to the property;

c. The provision of three or four bedroom Dwelling Units;

d. The provision of a Landscaped Area, such as urban park, plaza, boardwalk or other facility where a deficiency exists or as indicated by the City;

e. The provision of public art in a location to be agreed upon by the City;

f. Investment in active transportation or public transit;

g. The provision of a LEED-gold standard certified Building or other equivalent qualification; or

h. The provision of subsidized commercial space for arts or other cultural uses.

3.12.2 The value of the public benefit shall be a rate set from time to time by a resolution of Council based upon the Gross Floor Area of any Storey above the pre-bonus Height, and the specified rate shall be adjusted at most every two years, in accordance with the Consumer Price Index.

3.12.3 When it is not feasible to provide the public benefit on the Lot in question, the public benefit may be provided offsite, at a location agreed upon by the City.

3.12.4 All applications for a Bonus Height are subject to the Design Review process.

3.12.5 An application for a Bonus Height shall be submitted with sufficient information as may be required by the Development Officer for the purpose of adequately assessing the proposal, including:

a. A legal description and a plot plan, or a survey plan, accurately showing the location of the property and Building(s) or Structure(s) on the property in question;

b. The name and address of the Owner(s) of the property and, if the applicant is not the Owner, a statement as to the applicant's interest in the property;

c. Design drawings, as required to proceed through the Design Review process;

d. A cost estimate in a format acceptable to the Development Officer to quantify the detailed cost of the proposed public benefit; and

e. Such additional information as deemed necessary by the Development Officer, including studies or analyses to ensure that the proposed Bonus Height and/or its massing meet the desired performance standards with respect to mitigating visual, shadow, wind, and traffic impacts.

3.12.6 The cost estimate of the proposed public benefit may be subject to verification by a third party estimator at the expense of the applicant and the Development Officer may seek an internal review of the proposed public benefit with other qualified staff and/or external professional(s) with expertise in a field relevant to the public benefit proposed for the purpose of confirming that the proposal meets the objectives of the public benefit.

3.12.7 The public benefit shall be completed at the time of the issuance of an Occupancy Permit, or at such other time as mutually agreed upon by the City and the applicant.

3.12.8 The Bonus Height provisions do not apply to additional Height that provides for unoccupied architectural details or permitted Height encroachments.

3.12.9 Upon completion of the Design Review process and prior to the issuance of a Building and/or Development Permit where a Bonus Height has been granted, the applicant shall enter into a Development Agreement with the City that shall include:

a. Identify the parcel of land to be developed as well as specify the location of the proposed public benefit on site, or off site as determined by Council.

b. Include drawings and/or additional information provided by the applicant detailing the proposed public benefit. If necessary, construction drawings, architectural renderings, cost estimates, specifications or schematics may be required to communicate the necessary information.

c. Identify the required process and conditions for supervision and acceptance of the proposed public benefit before the work is accepted by the City.

3.12.10 The City, at its discretion, shall provide a recommendation from Planning Committee to the CAO and Mayor for the public benefit(s) that should be required for the development pursuing a Bonus Height Application.

3.13 BONUS DENSITY APPLICATION

3.13.1 Affordable Housing development(s) are permitted for 20% density increases over and above the applicable zone requirements subject to the following requirements:

a. All additional units resulting from the density increase(s) must be dedicated for Affordable Housing;

b. The proposed development(s) must meet all other applicable regulations for permitted uses in the corresponding zone.

3.13.2 In a situation where Affordable Housing dwelling units and Underground Parking are provided in the same development(s), Bonus Density entitlements can be increased to 40% but must adhere to the Regulations for Permitted Uses as defined in the applicable zone.

3.14 DESIGN REVIEW

3.14.1 The Design Review process shall apply to the following Building and/or Development Permit applications for any Affordable Housing development(s) in or outside the 500 Lot Area and properties located within the 500 Lot Area, as defined and described in Appendix H:

a. New construction of any non-residential use or of a Multi-unit Residential Building;

b. An increase in an existing Building's footprint or Gross Floor Area by 20 sq. m (215 sq ft) or more, excluding residential properties with less than four (4) Dwelling Units;

c. A Development application that involves a Subdivision/Consolidation, Major Variance, Bonus Height and/or a Site Specific Exemption.

d. When in the opinion of the Development Officer a development application that compromises the Character-defining elements of any building in the 500 Lot Area, the application shall be forwarded to the Design Review Board for a recommendation to either direct staff to approve the application or to direct staff to send the application through the Design Review process.

3.14.2 All Development and/or Building Permit applications subject to Design Review shall be accompanied by:

a. Architectural plans and elevation drawings indicating compliance with this by-law.

b. The dimensions of the site and location of all proposed and existing Buildings.

c. Identification, location, and gradients of paved areas including the location and width of Parking Spaces, driveways, entrances and exits to a Parking Lot, maneuvering areas for vehicles, service and Loading Spaces.

d. The location and details of proposed Landscaped Areas.

e. Where the application for Development entails any site Alterations, Landscaped Areas, Lot elevation, a detailed grading plan shall also be submitted.

f. Any additional information related to the site, Buildings, or adjacent properties as may be required by the Development Officer to determine if the proposal conforms to the provisions of this by-law.

3.14.3 Design Review Process

a. Upon receipt of the completed application and related application fee for a Design Review a Building and/or Development Permit application subject to Design Review shall first be reviewed by the Development Officer to confirm compliance with all other applicable provisions of this by-law.

b. Compliant applications shall be forwarded to a Design Reviewer, as appointed as a member of the Design Review Roster. The Design Reviewer shall:

   i. Conduct a review of the proposed Development for conformance with the intent of this by-law, including the Design Standards for the 500 Lot Area and the criteria for evaluation for Design Review.

   ii. For Designated Heritage Resources, subject to the regulations of the *Heritage Preservation By-law*, the Design Reviewer shall also review the Heritage Assessment Report prepared by the Heritage Officer.

   iii. Provide written feedback, comments, and a final recommendation within a specified 10 business day review period. Written comments may be supported by redline markups of the submission.

   iv. Comments and markups from the Design Reviewer are forwarded to the applicant, and the applicant may revise their submission accordingly. Revised plans may be resubmitted to the City, along with a compliance (secondary) review fee.

   v. The revised plans are forwarded to the Design Reviewer for the compliance review.

   vi. If the review is satisfactory, the plans are granted conditional approval.

c. Notwithstanding any other sections of this by-law, upon conditional approval by the Design Reviewer, applications shall be referred to the Design Review Board.

d. The Design Review Board shall review the written feedback, comments, and recommendation by the Design Reviewer and shall provide a recommendation on the disposition of the application.

   i. When the application is jointly supported or rejected by the Design Reviewer and Design Review Board, the disposition of the application shall be determined; and

ii. Where the Design Review Board does not support the recommendation of the Design Reviewer than the Design Review Board shall make a recommendation to Council, and Council shall determine the disposition of the application.

3.14.4 The Development Officer and Design Review Board shall review Development and/or Building Permit applications for Alterations and Additions to existing Buildings for compliance with the Design Standards for the 500 Lot Area and shall give further consideration for the following:

a. The original character of a Building or Structure, the construction and original architectural details;

b. Use of the same traditional materials already used on the Building of this era;

c. The scale of any Alterations or Additions to a Building in relation the scale of the original or the existing Building or Structure;

d. Existing doors and windows, and these existing openings in relation and proportion to others in the Building;

e. Original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;

f. Alterations or Additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or existing design of the Building or Structure;

g. Architectural details which do not need to be changed, removed or replaced; or

h. The location of any attached or protruding mechanical or Utility Services.

3.15 RECONSIDERATION

3.15.1 If a Permit or other approval under this by-law is granted, not granted, or granted subject to conditions and the applicant or an aggrieved person feels the decision is unjustified or unwarranted under this by-law, the applicant or an aggrieved person may seek a reconsideration by Council.

3.15.2 An aggrieved person or an applicant wishing to launch a reconsideration shall make known their intention to do so and the grounds or reasons within twenty-one (21) calendar days of the initial decision.

3.15.3 Council may review, rescind, change or vary any order or decision made by the Development Officer or by Council provided that:

a. New material facts or evidence not available at the time of the initial order or decision have come to light;

b. A material change of circumstances has occurred since the initial order or decision; or

c. There is a clear doubt as to the correctness of the order or decision in the first instance.

3.15.4 A letter shall be sent by ordinary mail explaining the reconsideration request to all Affected Property Owners within 100 m (328.1 ft) of the boundaries of the subject Lot identifying the subject Lot.

3.15.5 Council shall hear any request for reconsideration of a decision under this section and Council shall give all interested persons an opportunity to be heard and make a determination on a request for reconsideration.

3.15.6 The City is not liable for any Development commenced prior to the lapse of the twenty-one (21) calendar day appeal period.

3.15.7 The City shall not consider an application for reconsideration if, at the same time, there is an appeal filed with the Island Regulatory and Appeals Commission; but the City may proceed with reconsideration if the applicant has instructed the Island Regulatory and Appeals Commission in writing to hold the appeal in abeyance, and the Commission has agreed in writing to hold their appeal until the appellant has exhausted the recourse of reconsideration with the City.

3.16 BY-LAW ENFORCEMENT

3.16.1 The Development Officer or designate is authorized, with cause, to enter any land, Building, or Structure in the City, provided such entry is not excessive or by force, is at a reasonable time, and is for the purpose of making an inspection or examination relating to this by-law.

3.16.2 By-law enforcement may be undertaken by the City in accordance with *Planning Act*.

3.16.3 The Development Officer may apply to a Justice of the Peace or provincial Court Judge for an order authorizing entry onto a property in the event that any person refuses or does not Permit an inspection to be carried out pursuant to this by-law.

3.16.4 The provincial Court Judge or Justice of the Peace may at any time issue a warrant in the prescribed form authorizing a person named in the warrant to enter and search a Building, receptacle or place if the Provincial Court Judge or Justice of the Peace is satisfied by information on oath that there are reasonable grounds to believe that an offence is being committed and the entry will afford evidence relevant to an offence, and such a search warrant shall name the date upon which it expires which shall be not later than fifteen (15) days after the warrant is issued.

3.16.5 In addition to any fine or penalty imposed, the Provincial Court of Prince Edward Island may order the person convicted to Restore the premises or land on which the offence has occurred to its original condition or to the satisfaction of the authority having jurisdiction, unless such restoration will constitute a safety or health hazard.

3.16.6 The Supreme Court of Prince Edward Island may, upon application by the City, cease or prohibit by injunction any Development which does not comply with the provisions of this by-law.

3.16.7 The City, its officers and employees shall not be liable for any damage caused to any property when acting under the authority of this section.

3.17 BY-LAW OFFENCES

3.17.1 Any person who, being the Owner or occupant of any land, Building, or Structure to which this by-law applies, fails to:

a. remove a Sign;

b. comply with the by-law provisions;

c. obtain a Permit;

d. cease work on or Restore a Building or property to its original condition, when Development has been undertaken; or

e. obtain a proper Subdivision approval;

In contravention of this by-law is guilty of an offence and liable under conviction to a fine and, in default of payment, to a term of imprisonment

3.17.2 Any person who impedes, attempts to impede, refuses or does not permit inspection of a property pursuant to this by-law shall be guilty of an offence.

3.17.3 Where a person convicted under this section fails to commence the restoration ordered within sixty (60) days after the order has been made, the City may take such steps as it deems necessary to Restore or remove the subject matter of the offence at the expense of the Owner.

3.17.4 When an offence under this by-law is committed or continued for more than one (1) day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

3.18 PENALTIES

3.18.1 A person, contractor or Owner who violates this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars ($5,000) in each case together with the cost of prosecution, and, in default of payment of the fine and costs, to imprisonment for a term not exceeding three (3) months unless the fine and costs together with the costs of enforcing the same are sooner paid.

3.18.2 Where the offence is a continuing offence in addition to the penalties provided in this section, such person shall be liable for all costs in immediate removal of such an offence, and the Provincial Judge may impose a penalty not exceeding five thousand dollars ($5,000) for every day the said offence continues and in default of payment thereof to imprisonment not exceeding thirty (30) days.

3.18.3 Where there is default of payment, any person or corporate officer is liable to be imprisoned in accordance with the *Summary Convictions Act*.

3.19 APPEALS

3.19.1 A person who is dissatisfied with the administration of the by-law by Council may appeal certain decisions to the Island Regulatory and Appeals Commission in accordance with the *Planning Act.*

4 GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

4.1 ACCESSORY BUILDINGS

4.1.1 No Accessory Building shall be used for human habitation except as otherwise permitted in this by-law.

4.1.2 The following regulations apply to Accessory Buildings on residential properties with less than four (4) Dwelling Units:

	Lot Area	# of Accessory Buildings permitted	Total Building Footprint (maximum)	Height (maximum)
a.	0 to 0.499 Acres (0 to 21,779sq ft)	Two	10% of the Lot Area, up to a maximum of 69.68sq m (750sq ft)	5.3m (17.5ft)
b.	0.5 to 0.99 Acres (21,780sq ft to 43,559sq ft)	Two	78.97sq m (850sq ft)	6.1m (20ft)
c.	1 Acre or more (43,560sq ft or more)	Three	111.48sq m (1,200sq ft); however, no Accessory Building shall exceed 78.97sq m (850sq ft)	6.1m (20ft)

d. Minimum distance to the Side and Rear Lot Line: 1.2 m (3.9 ft) measured to the wall of the Accessory Building.

e. Minimum separation distance between Accessory Buildings, or between an Accessory Building and the main Building: 1.2 m (3.9 ft) measured to any projections, eaves, Decks, etc.

f. Accessory Buildings are prohibited from containing a basement or any below grade construction.

4.1.3 An Accessory Building may be Erected on any other property, but the following requirements shall apply:

a. Maximum Gross Floor Area: 10% of Lot Area, up to a maximum of 600 sq m (6458.4 sq ft) and the Accessory Building shall not be larger than the main Building on the Lot. Where more than one main Building on a Lot is permitted in the Zone, a larger Accessory Building may be permitted subject to the regulations of the Zone.

b. Location: Rear Yard or Side Yard, provided that the Accessory Building is located no closer to the Front Lot Line than the main Building, and on a Corner Lot is no closer than the Flankage Yard minimum Setback requirement.

c. Distance to the Side and Rear Lot Line (minimum): 1.2 m (3.9 ft) measured to the wall of the Accessory Building.

d. Building Height (maximum): 6.1 m (20 ft)

e. Separation distance between Accessory Buildings, or between an Accessory Building and the main Building (minimum): 2.4 m (8 ft) to any projection, eave, Deck, etc.

4.1.4 Additional requirements for Accessory Buildings are as follows:

a. A shared Accessory Building may be centered on the mutual Lot Line if constructed as one Building;

b. A boat house and/or boat dock may be built to the water's edge, subject to the regulations of the provincial *Environmental Protection Act*; and

c. A toll booth or security booth may be Erected at the entrance of a Parking Lot.

4.2 DECKS AND OTHER PROJECTIONS INTO YARDS

4.2.1 A Yard shall be open and unobstructed by any Structure, except for Accessory Buildings, from the ground to the sky.

4.2.2 Projecting Structures as listed in the following table shall be permitted to project from a main Building into the required Yard for the specified distance, as indicated:

	Structure	Yard in which projection is permitted	Maximum projection into Yard	Minimum distance from Lot Line
a.	Canopy, Awning	Front Yard Rear Yard Flankage Yard	1.0 m (3.3 ft)	0.3 m (1.0 ft)
b.	Cornice, eave, gutter, chimney, pilaster, and footing	All Yards	0.6 m (2.0 ft)	0.3 m (1.0 ft)
c.	Balcony	Side Yard Flankage Yard Rear Yard	1.2 m (3.9 ft)	1.0 m (3.3 ft)
d.	Bay window	All Yards	0.6 m (2.0 ft)	1.0 m (3.3 ft)
e.	Ramp	All Yards	1.83 m (6 ft)	1.0 m (3.3 ft)
f.	Exterior staircase (landing and stairs connecting to the First Storey)	All Yards	1.83m (6 ft)	6.0 m (19.7 ft) from the Front Lot Line and Flankage Lot Line; 1.2 m (3.9 ft) from the Side or Rear Lot Line
g.	Exterior staircase (fire escape and any stairs extending beyond the First Storey)	Side Yard Rear Yard	1.2 m (3.9 ft)	1.2 m (3.9 ft)
h.	Deck	Rear Yard Flankage Yard		Same as minimum Side Yard for the Building,

	0.3 m (1.0 ft) or more above Grade	Side Yard		except in R-1L R-1S, R-1N, R-2 and R-2S Zones where the Setback is 4.6 m (15.1 ft) from the Rear Lot Line
i.	Deck at Grade or less than 0.3 m (1.0 ft)	Rear Yard Flankage Yard Side Yard		1.0 m (3.3 ft)
j.	Deck at Grade or less than 0.3 m (1.0 ft)	Front Yard	1.83m (6 ft)	2.0 m (6.6 ft)
k.	Porch	Front Yard Flankage Yard Rear Yard	1.5 m (4.9 ft)	1.0 m (3.3 ft)

4.2.3 The Projecting Structures Table above applies to projections in any Zone, unless otherwise specified in the regulations for the Zone.

4.3 SWIMMING POOLS

4.3.1 A Swimming Pool maybe Erected or placed in a Side Yard or Rear Yard provided that the pool is not less than 1.83 m (6.0 ft) from the nearest Lot Line.

4.3.2 A Swimming Pool shall be completely surrounded with a Fence or Structure that is:

a. Not less than 1.83 m (6.0 ft) in Height; and

b. A type that would impede unauthorized passage either through, under, or over the Fence to the pool area.

4.3.3 Water and Sewer services shall be in accordance with the *PEI Municipal Water and Sewerage Utility General Rules and Regulations*.

4.3.4 A temporary inflatable Swimming Pool is exempt from these requirements.

4.4 FENCES

4.4.1 Notwithstanding any other provision of this by-law a Fence may be placed or located in a Yard.

4.4.2 The maximum Height for a Fence in any Zone is 2.5 m (8.2 ft), and in the Front or Flankage Yard the Height of the Fence shall not exceed:

a. 1.0 m (3.3 ft) in the 500 Lot Area (excluding the Port Zone);

b. 2.50 m (8.2 ft) in Employment/Industrial Zones; and

c. 1.83 m (6.0 ft) in any other Zone.

4.4.3 Except for an active farm, no Fence may be electrified or incorporate barbed wire or other dangerous material in its construction.

4.5 SATELLITE DISHES

4.5.1 A Satellite dish larger than 61 cm (24 in.) in diameter shall not be permitted on a street-facing portion of a Building or Structure

4.5.2 No more than one (1) Satellite dish may be placed on the Street-facing portion of a Building or Structure.

4.6 NON-CONFORMING BUILDINGS

4.6.1 Where a Building has been Erected on or before the effective date of this by-law, on a Lot having less than the minimum Lot Frontage or Lot Area , or having less than the minimum Setback required by this by-law, the Building may be repaired or renovated provided that:

a. The repair or renovation does not further reduce the existing Setback that does not conform to this by-law, and in the case of a Demolition, a new Building is constructed within two (2) years; and

b. All other applicable provisions of this by-law are satisfied.

4.6.2 A Building or Structure shall be deemed to be existing on the effective date of this by-law if:

a. It was lawfully constructed or under construction on that date; or

b. The Building Permit for its construction was in force and effect on that date, but this clause shall not apply unless the construction commenced within twelve (12) months after the date of issue of the Permit and is completed in accordance with the Permit in a reasonable time.

4.6.3 If a Building that is non-conforming under the provisions of this by-law is destroyed by a fire, or is otherwise damaged by fire to an extent of 75% or more of the assessed value of the property, it shall not be rebuilt or repaired unless:

a. It is rebuilt or repaired in conformity with the permitted land uses of this by-law;

b. An applicant who loses a Building through fire or demolition can apply to seek a variance to reinstate the property as it existed prior to its removal.

c. The rebuilding or repair is in conformity with other requirements of this by-law insofar as is reasonable and feasible; and

d. The rebuilding or repair commences within six (6) months of the date of the said destruction or damage.

4.7 BUILDING HEIGHT

4.7.1 The maximum Height of a Building may be increased, to accommodate a Structure housing mechanical equipment on a roof if:

a. The Height of the Structure does not exceed 3 m (9.8 ft) in Height above the Height permitted in the applicable Zone; and

b. The Structure is set back from the edge of the roof by 3 m (9.8 ft) as determined by a projections upwards of the walls.

4.8 SETBACK EXEMPTIONS

4.8.1 No person shall Erect a Building or Structure on a Lot and have any part of the Building or Structure closer to the Front Lot Line than the minimum Front Yard Setback which is established for the Zone in which it is located, unless the proposed Building is to be located between existing Buildings on adjoining Lots on the same Block and side of the Street, and the adjacent Buildings have a reduced Front Yard Setback, in which case the minimum Front Yard Setback for the proposed Building shall be that which aligns with the front walls of the adjacent Buildings.

4.8.2 When the main entrance of a proposed Building is to be oriented towards the Flankage Yard, then the Rear Yard and Side Yard setbacks may be interchanged.

4.9 STREET ORIENTATION

4.9.1 Residential Buildings shall be oriented toward the street with front doors and windows facing the street.

4.9.2 All Buildings will be generally aligned with the Street.

4.10 SIGHT TRIANGLE ON CORNER LOTS

4.10.1 Notwithstanding any other provisions of this by-law, no Building or Structure shall be Erected on a Corner Lot within 6 m (19.7 ft) of the triangular space included between Street Lot Lines.

4.10.2 No Structures or vegetation shall be placed, erected, planted or maintained at a Height over 1.0 m (3.3 ft) on a Corner Lot where it may obstruct the view from a vehicle within 6 m (19.7 ft) of the point of intersection of the Street Lot Lines.

4.11 TEMPORARY STRUCTURES

4.11.1 A Building Permit may be issued for a temporary Structure when:

a. A Building or Structure is accessory to construction in progress, such as a work or construction camp, Modular Dwelling, sales or rental Office, tool or maintenance shed and scaffold.

b. For a Greenhouse or other seasonal Structure or Building in any Zone where it would not be permitted by this by-law for up to six (6) months.

4.12 ONE MAIN BUILDING ON A LOT

4.12.1 There shall be only one (1) main Building on a Lot within the R-1L, R-1S, R-1N, R-2 and R-2S Zones.

4.12.2 A Building shall not be constructed or placed over any Lot boundary, regardless of whether the Lots are owned by the same Owner, except as otherwise permitted in this by-law.

4.12.3 Where more than one main Building is permitted on a Lot, the minimum distance between Buildings shall be 6.0 m (19.7 ft).

4.13 GROUPED DWELLINGS

4.13.1 Grouped Dwellings are permitted on a Lot in Residential and Mixed-Use Zones, except for R-1L, R-1S, R-1N and MH, but such a grouping shall not include Single-detached Dwellings.

4.13.2 The City may require a Development Agreement between the Owner and the City which shall be registered on title.

4.13.3 The minimum distance between Buildings on any Lot containing Grouped Dwellings shall be 6.0 m (19.7 ft).

4.13.4 The minimum Lot Area on which Grouped Dwellings may be located shall be 0.4 hectare (1.0 acre).

4.13.5 The minimum standards of a Zone shall apply to any Lot on which Grouped Dwellings are located, but the minimum Lot Frontage requirement shall only apply as if one Building is being located on the Lot.

4.14 ATTACHED DWELLINGS

4.14.1 Attached Dwellings including Semi-detached, Townhouse, Block Townhouse and Stacked Townhouse Dwellings, must adhere to the following regulations:

a. A separate connection to Municipal Services shall be provided for each Dwelling Unit in accordance with the *P.E.I. Municipal Water and Sewerage Utilities Rules and Regulations*.

b. Each Dwelling Unit shall have a separate electrical service**,** except where sustainable Development initiatives are being utilized such as the use of a shared Windmill, ground source heat exchange system, and/or other alternative renewable energy resource.

c. Each Dwelling Unit shall have a separate heating device, except where sustainable Development initiatives are being utilized such as the use of a shared Windmill, ground source heat exchange system, and/or other alternative renewable energy resource.

d. Each Dwelling Unit shall have separate parking or access to a common Parking Lot.

4.15 UNDERGROUND WALKWAYS AND PEDWAYS

4.15.1 Pedestrian Pedways or tunnels that pass over or under streets are prohibited in the 500 Lot Area.

4.15.2 An application for an underground walkway or overhead pedways which requires an encroachment on a public Right-of-way requires:

a. Process for review consistent with the process for an Amendment to this by-law;

b. An encroachment agreement shall be signed between the registered Owner(s) of the property and the City.

c. A copy of the agreement shall be filed by the City in the Office of the Registrar of Deeds for the County of Queens in accordance with the provisions of the *Registry Act* R.S.P.E.I. 1988, Cap. R-10, and any amendments thereto, and thereupon these obligations shall be binding

upon the Owner and any subsequent Owners until discharged by the agreement itself, or by the City;

d. The City shall reserve the right to charge an annual fee on an encroachment of a walkway over or under its Street.

4.16 FUEL-BURNING BUILDINGS

4.16.1 The use of fuel burning equipment in the City shall be regulated by the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).

4.16.2 Stand-alone biomass heating plants with less than 1 mw (megawatt) in net capacity are permitted on Employment/Industrial and Institutional properties with a minimum Lot Area of 1.5 acres, subject to all other provisions of this by-law being satisfied.

4.17 WINDMILL TOWERS

4.17.1 Windmills may only be permitted in the Employment/Industrial and Institutional Zones and the following additional requirements shall apply:

a. Windmills shall only be permitted on Lots having a minimum dimensions three (3) times the Height of the Windmill;

b. Windmill Height shall not exceed a total Height of 75 ft in any Zone;

c. All other Setback requirements shall be measured from Lot Lines to the center of the base of the Windmill and from Buildings occupied by people to the center base of the Windmill;

d. The Setback for Windmills shall be 1.2 times the Height of the Windmill from any property boundary or Building occupied by people on the subject Lot and 2 times the Height of the Windmill from any Building occupied by people on an adjoining Lot;

e. Guy wires and anchors for the Windmill shall not be located closer than one-quarter (1/4) of the Height of the Windmill to any Lot Line.

f. There shall be a limit of one (1) Windmill per Lot.

g. Roof-mounted Windmills shall not be permitted.

4.17.2 A Development Permit application for the Erection of a Windmill shall be accompanied by the following:

a. A site plan accurately drawn to scale and certified by a surveyor that shows:

i. The proposed location of the Windmill and the location of other Structures or Buildings;

ii. The location and proximity of all Structures, Buildings, Utility Services on site and on adjoining properties within a radius equal to three (3) times the proposed Windmill Height;

b. Certification by a registered professional engineer or the manufacturer's certification along with drawings and specifications verifying the dimensions and sizes of the various structural components of the Windmill's construction and design data which indicates the basis of design; and**,**

c. Certified sound level values for the proposed Windmill.

4.17.3 One (1) Windmill may be considered in a Residential Zone as a sustainable Development initiative aimed to power a single subdivision**.** Such an application shall also first require that the procedures for a Minor Variances as specified in this by-law be followed and the applicant shall be required to enter into a Development Agreement upon terms and conditions acceptable to the City.

4.17.4 Prior to receiving a Development Permit to erect a Windmill the applicant shall receive approval from Transport Canada and comply with any Federal or Provincial Regulations pursuant to the *Aeronautics Act.*

4.17.5 A Windmill will be considered abandoned if not operated for a period of two (2) years or if it is deemed a safety hazard. Once a Windmill is deemed abandoned or a safety hazard, it shall be considered an offence of this by-law.

4.17.6 Climbing access to the Windmill shall be limited either by:

a. The installation of a Fence of not less than 1.8 m (5.9 ft) in Height with a locked gate around the Windmill base; or

b. By limiting Windmill climbing apparatus to no lower than 3 m (10 ft) from the ground.

4.18 ATTACHED GARAGES

4.18.1 An Attached Garage may be added to any dwelling, but the maximum size of the attached garage cannot exceed 40% of the gross floor area of the residential dwelling unit space.

4.18.2 A portion of an Attached Garage may be utilized for a Secondary Suite, subject to the Secondary Suite Regulations therein.

5 GENERAL PROVISIONS FOR LAND USE

5.1 USES PERMITTED IN ALL ZONES

5.1.1 Nothing in this by-law shall prevent the Use of land in any Zone for:

a. Public Streets;

b. Open Space

c. Landscaped Area;

d. Passive Recreation;

e. Parks; and

f. Utility Services.

5.2 USES PROHIBITED IN ALL ZONES

5.2.1 No truck, bus, coach, recreational vehicle or trailer or streetcar body, nor a Structure of any kind other than a Dwelling Unit Erected and used in accordance with this and all other municipal By-laws shall be used for human habitation.

5.2.2 No vehicle body, truck trailer, or container shall be used as a commercial or Accessory Building except as specifically permitted by other legislation.

5.2.3 Temporary plastic Garages are prohibited in all Zones.

5.2.4 A boat, motor home or piece of heavy equipment such as construction equipment or a commercial truck is not to be stored in the Front Yard of a residential property for more than 6 months.

5.3 MIXED USES

5.3.1 Where two (2) or more permitted uses are located, or are to be located, in one (1) Building or on one (1) Lot, and when the regulations applicable to these uses are different, the most restrictive regulations shall be deemed to be in force for that Lot or Building, unless otherwise specified.

5.4 DWELLING UNITS ABOVE COMMERCIAL USES

5.4.1 In Zones in which Dwelling Units are permitted above Commercial Uses:

a. No Dwelling Unit, or any part thereof, shall be located on the ground floor or at Street level below a Commercial Use.

b. On floors other than the ground floor or at Street level, Dwelling Units may be permitted on the same floor as Commercial Uses provided that they are completely segregated from the Commercial Uses and have a separate entrance which serves the Dwelling Units.

5.5 NON-CONFORMING USES

5.5.1 Subject to the provisions of this by-law, a specific use of land or a Building, which is lawfully in existence on the effective date of this by-law, and which does not conform to the permissible use of the Zone where it is located, may continue to exist.

5.5.2 Any change of occupants or tenants of any premises or Building shall not of itself be deemed to affect the use of the premises or Building for the purposes of this by-law.

5.5.3 A non-conforming use of land or Building shall not be permitted to resume if it has been discontinued for a period of six (6) consecutive months, and in such event the land or Building shall not thereafter be used except in conformity with this by-law.

5.5.4 Where a non-conforming Commercial Use is occupying a Building and the owner is requesting to convert the Building or part thereof to residential use, and it is determined the number of units and use will not adversely affect the neighbourhood by way of traffic to the site, the Development Officer may after receiving the plans allow the Building to be used for residential purposes or may refer the matter for a Variance.

5.5.5 An existing Converted Dwelling or an Existing Semi-Detached Dwelling that is lawfully in existence at the effective date of this By-law in any location within an R-1L or R-1S Residential Zone, shall be a Permitted Use and shall be deemed to be a conforming Use in the R-1L or the R-1S Zone within which it is located at that date.

5.6 SECONDARY SUITES

5.6.1 One (1) Secondary Suite may be permitted in a Single-detached Dwelling subject to the following conditions:

a. The Secondary Suite is less than:
   i. 80% of the Gross Floor Area of the main Dwelling Unit (excluding the Garage); and
   ii. 80 sq m (861 sq ft) in Floor Area;

b. The Secondary Suite has no more than two (2) bedrooms;

c. One (1) additional Parking Space shall be provided.

d. The subject property shall not contain a Garden Suite.

e. The main Dwelling Unit on the subject property is a Principle Residence Unit.

f. The subject property must comply with all other regulations of the By-law, including Lot Area, Lot Frontage, Setbacks, and Building Height, and where a variance has been granted for the development of the main Dwelling Unit, a Secondary Suite shall not be permitted.

g. Cannot be used as a short-term rental.

5.6.2 The Secondary Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

5.7 GARDEN SUITES

5.7.1 One (1) Garden Suite may be permitted in an Accessory Building if the subject property:

a. Is a Single-detached Dwelling;

b. Has a minimum Lot Area of 0.2 hectares (0.5 acre); and

c. Does not contain a Secondary Suite.

5.7.2 The Garden Suite shall be subject to the following conditions:

a. Maximum Gross Floor Area of 70 sq m (753.2 sq ft)

b. Minimum Side Yard Setback of 1.8 m (6 ft)

c. Minimum Rear Yard Setback of 3 m (9.8 ft)

d. Minimum Building separation distance of 2.4 m (8 ft) between the Garden Suite and the main Dwelling and any other Accessory Buildings, Structures or projections.

e. Maximum Height of 4.6 m (15.1 ft)

f. Location: Rear Yard

g. Utilize the existing driveway and the primary access shall be oriented towards the Street or the interior of the subject property.

h. Be connected to Municipal Services via the main Dwelling.

i. Cannot be used as a short-term rental.

5.7.3 The Garden Suite shall be approved pursuant to the Charlottetown Secondary and Garden Suite Registry By-law.

5.8 GROUP HOMES

5.8.1 Group Homes shall be permitted in the following Zone(s) depending on the classification/type of Group Home:

a. **Group Home Limited**: Permitted in the R-1L, R-1S, R1-N, R-2 and R-2S Zone(s) and only within a *Single-detached Dwelling*;

b. **Group Home:** Permitted in the R-3, R-3T, R-4, R-4A, R-4B, MUR, I, MUC, DMU, DN and the DMUN Zone(s) and within a *Dwelling Unit* or an institutional facility.

5.8.2 The following regulations will apply to both categories of Group Home(s):

a. Maintain a minimum radius of 300 metres to another *Group Home* for those areas not in the 500 Lot Area;

b. Requires one (1) off street parking space per three (3) beds, plus one (1) off street parking space per two (2) employees on a shift;

c. *Not permitted as a Lodging House, Transitional Housing Facility, Tourist Accommodation or Home Occupation*.

5.9 HOME OCCUPATIONS

5.9.1 Home Occupations may be permitted provided that:

a. The Home Occupation is located within an accessory building, single-detached dwelling, modular dwelling, semi-detached dwelling, or duplex dwelling.

b. The total Floor Area used for the Home Occupation shall not exceed 25% of the Gross Floor Area of the Dwelling or up to 46.5 sq m (500 sq ft) within the Dwelling; or, when the Home Occupation operates from an Accessory Building, the Accessory Building shall meet the regulations for maximum Gross Floor Area permitted on the property.

c. The proprietor(s) of the Home Occupation shall live in the Dwelling in which the Home Occupation is located.

d. There shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the proprietor, working inside or outside of the Dwelling. The proprietor(s) shall not exceed these requirements by contracting work out to other persons (employees) not located in the Dwelling.

e. There shall be no external storage of materials and no outdoor animal enclosures which would indicate that any part of the Dwelling or Lot is being used for any purpose other than a residential use.

f. There are no other Home Occupations on the property or in the Dwelling.

g. No more than one (1) commercial vehicle shall be parked or stored on the Lot, but notwithstanding the foregoing, other vehicles may be parked or stored on the Lot in a wholly enclosed Building.

h. Parking shall be subject to the parking regulations of this by-law.

i. Signage shall be subject to the signage regulations of this by-law.

j. Required parking for home occupations may be provided in tandem with parking for the main residence.

k. The maximum number of clients permitted on the premise of appointment-based home occupations at any one time will be determined by Council.

5.9.2 If Alterations or Renovations are required for the operation of the Home Occupation the proprietor shall obtain a Building Permit before commencing operation of the Home Occupation.

5.9.3 The following uses are permitted as Home Occupations:

a. Home Daycare, subject to the by-law provisions for Home Daycares

b. Tourist Accommodations, subject to the by-law provisions for Tourist Accommodations

c. Home Office, clerical, computer and/or telephone-based services

d. Custom sewing, crafts, or production of visual arts (i.e. painting, pottery, wood carving)

e. Multi-Level Marketing Retail Sales

f. Catering, for off-premise delivery of products

g. Additional uses, including uses with appointments typically on an hourly basis or as scheduled, may be considered following the process of review for a Major Variance.

5.9.4 The following uses are prohibited as Home Occupations:

a. Medical, Health and Dental Office;

b. Automobile Body Shop;

c. Eating and Drinking Establishment;

d. Retail Store;

e. Welding and Metal Fabrication

5.10 HOME DAYCARE

5.10.1 A Home Daycare is a permitted Home Occupation, subject to the following requirements:

a. It shall be located on a local Street where on-Street Parking is permitted;

b. It shall comply with all provincial requirements of the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.

5.10.2 The maximum Gross Floor Area for a Home Occupation does not apply for a Home Daycare.

5.10.3 Daycare services classified as a Commercial Daycare Centre must be licensed under the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5.

5.11 TOURIST ACCOMMODATIONS ON RESIDENTIAL PROPERTIES

5.11.1 Tourist Accommodations, such as a bed and breakfast or tourist home, are a permitted Home Occupation, subject to the following requirements:

a. The Dwelling type in which the Tourist Accommodation is provided is a Single-detached Dwelling;

b. It is licensed under the *Tourism Industry Act;*

c. No kitchen and/or cooking appliances are permitted in a guest room;

d. No meals other than breakfast are provided to guests;

e. Parking shall be subject to the parking regulations of this by-law; and

f. Signage shall be subject to the signage regulations of this by-law.

5.11.2 The maximum Gross Floor Area for a Home Occupation does not apply for a Tourist Accommodation.

5.11.3 Regulations for a Tourist Accommodation

	Zone Designation	# of Bedrooms Permitted
a.	R1L, R1S, R2, and R2S Zones	Up to four (4) bedrooms
b.	R3, R4, and the 500 Lot Area Zones	Four (4) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of *lot area*, and for every additional bedroom over four (4) the *lot* must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
c.	***Heritage inn*** in the R1L, R1S, R2, and R2S Zones	Four (4) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of *lot area*, and for every additional bedroom over four (4) the *lot* must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
d.	***Heritage inn*** in the R3, R4 and the 500 Lot Area Zones	Up to seven (7) bedrooms

5.12 MOBILE CANTEENS

5.12.1 A Mobile Canteen may be permitted:

a. In any Zone for which Eating and Drinking Establishments are permitted;

b. On a publically owned property within the OS Zone, to support an Active Recreation land use, subject to approval by the City for a short term Special Event; and

c. On the Street Right-of-way, subject to the *Street Vending By-law*.

5.12.2 Mobile Canteens in the 500 Lot Area shall be permitted to operate between May 1st and October 31st, at which time the Mobile Canteen must be removed from the property.

5.12.3 Mobile Canteens outside of the 500 Lot Area shall be permitted to operate for a twelve (12) month period, at which time the Mobile Canteen must be removed or the applicant must reapply.

5.12.4 A Mobile Canteen shall not exceed 20 sq m (215.3 sq ft).

5.12.5 The minimum Landscaped Area requirement shall not be diminished for the property in which the Mobile Canteen is located.

5.12.6 The Mobile Canteen shall not be required to provide additional Parking Spaces on the property; however, the minimum Parking Space standards shall not be diminished for the property in which the Mobile Canteen is located.

5.12.7 A Mobile Canteen shall comply with the setback requirements of the Zone in which it is located.

5.12.8 An application for a Mobile Canteen shall include the following information:

a. A site plan accurately drawn to scale that shows;

i. The location of the Mobile Canteen on the site and its proximity to other Structures or Buildings on the site;

ii. The location of existing and proposed Parking Spaces;

iii. The location of garbage receptacles.

b. A photo of the Mobile Canteen from which merchandise will be sold;

c. Confirmation of compliance from the Charlottetown Fire Department where the Mobile Canteen is equipped with a cooking and/or heating apparatus;

d. Confirmation of compliance that the Mobile Canteen meets all Provincial Health regulations and inspections; and

e. Written authorization from the property owner granting permission to use the property for the purpose applied for and for time frame requested

5.12.9 The Development Permit as granted and issued may not be transferred, assigned, conveyed or sold to another applicant or person.

5.12.10 Nothing in this by-law shall prevent a licensee from holding more than one license issued pursuant to this by-law; however, only one (1) Mobile Canteen shall be permitted per property.

5.12.11 No structural modifications may be made to the Mobile Canteen or equipment placed herein without prior approval of the Development Officer and/or Fire Inspector.

5.13 OUTDOOR OPERATIONS

5.13.1 Where any outdoor site in any Zone is used for an outdoor Salvage or Waste Disposal Facility, auto-wrecking, Recycling Depot or scrapyard facility; or an outdoor facility for assembly, production, storage, repair or distribution of goods or products, the following conditions shall apply:

a. The whole of the operation shall be surrounded by a solid Fence not less than 2.5 m (8.0 ft) and not greater than 3.7 m (12.0 ft) in Height, and which is continuous except for gates necessary for access to the operation.

b. The Fence shall be located at least 6.0 m (19.7 ft) from the Front Lot Line and 1.5 m (5 ft) from the Side and Rear Lot Lines.

c. Any land not required for entrance and exit driveways and which is located between the Fence and any Lot Line shall only be used for a Landscaped Area.

5.13.2 Outside storage or stockpiling of goods shall not:

a. Cause a nuisance to adjoining properties by way of dust; and

b. Be stockpiled higher than the main Building on the Lot and where the Lot has no Building, the stockpile shall be no higher than 6.1 m (20 ft).

5.13.3 Where any property is used for an outdoor industrial operation, including storage or display, such an operation shall be established behind the minimum Setback for Buildings in that Zone.

5.14 AUTOMOBILE SERVICE STATIONS AND GASOLINE BARS

5.14.1 Where a Lot is used for an Automobile Service Station, the following requirements shall apply:

a. The minimum Lot Frontage shall be 38 m (124.7 ft).

b. The minimum Lot Depth shall be 30 m (98.4 ft).

c. A pump island shall setback at least 10 m (35 ft) from the Street Line.

d. A Canopy or roof over a pump island shall meet the minimum Setback required for the main Building, or 5 m (17 ft) from the Street, whichever is less.

5.15 EXCAVATION PIT

5.15.1 No person may strip, excavate, or otherwise remove top soil for sale or use from a Lot or other parcel of land or operate an excavation pit as defined in the *Excavation Pit Regulations* of the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9.

5.15.2 Where a Development Permit has been issued or where a Subdivision plan has been approved, and where there is an excess of soil material other than that required for grading and Landscaped Areas on the Lot, such excess may be removed for use or sale**.**

5.15.3 The Farming of sod in areas other than an Agriculture Zone may be carried on where the Owner of the land has entered into an agreement with the Council for the satisfactory rehabilitation of the land provided it is done in accordance with the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, and its regulations, as amended from time to time.

5.15.4 The City may enter into an agreement for the removal of excess soil material or the infill of a Lot or the dumping of material and place any requirements it deems necessary to protect adjacent land or the environment provided the work is done in accordance with the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, and its regulations, as amended from time to time.

5.15.5 Any change to existing elevations that will impact the existing surface water drainage patterns onto adjoining Lots or onto the public Street or Right-of-way shall require a Development Permit.

5.16 USE OF UNDEVELOPED LANDS IN ALL ZONES

5.16.1 A parcel of Undeveloped Land in any Residential Zone that has at least 100 m (325 ft) of Lot Frontage and 1 hectare (2.45 acres) in Lot Area may be used, prior to its Subdivision, servicing or Development, for any of the following purposes:

a. Single-detached Dwelling;

b. Farm, excluding intensive livestock use or production;

c. Agricultural field crop or pasture;

d. Market garden;

e. Greenhouse;

f. Forestry Related.

5.17 RESIDENTIAL DEVELOPMENT NEAR A SEWAGE LAGOON OR TREATMENT PLANT

5.17.1 Notwithstanding any other provision of this by-law, no Residential Dwelling shall be located within 45 m (147.6 ft) of a sewage lagoon or treatment plant.

5.18 CANNABIS RETAIL STORE

5.18.1 Notwithstanding any other provision of this by-law, a Cannabis Retail Store shall not be located within 300 m (984.2 ft) of the following land uses:

a. School

b. Park, with play equipment intended for children

c. Daycare or other early learning facility licensed under the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5.

5.18.2 Notwithstanding any other provision of this by-law a Cannabis Retail Store shall not be located within 1000 m (3280.8 ft) of an existing Cannabis Retail Store.

5.18.3 The provisions under this section are to be applied at the time of the establishment of a new Cannabis Retail Store and are not intended to restrict any of the protected uses noted above from locating within the required separation distance after the Cannabis Retail Store is established.

6 GENERAL PROVISIONS FOR LOTS AND SITE DESIGN

6.1 NON-CONFORMING LOTS

6.1.1 Notwithstanding any other requirements of this by-law, a vacant Lot shown on a deed as a separate Lot(s) from adjoining parcels on the effective date of this by-law, having less than the minimum Lot Frontage or Lot Area required by this by-law, may:

a. Be used for any purpose permitted in the Zone in which the Lot is located provided that all other applicable provisions in this by-law are satisfied; and

b. Where all other applicable provisions in this by-law cannot be satisfied, the Development Officer may apply procedures set out in this by-law for the handling of a Variance to the minimum required Rear Yard, Front Yard, Flankage Yard or Side Yard Setback.

6.2 UNDERSIZED LOTS

6.2.1 Notwithstanding any other requirements of this By-law:

In zones where a single detached dwelling is permitted, nothing in this By-law shall prevent the use of an undersized lot with respect to minimum lot area and frontage for a single-detached dwelling provided that all other standards of the zone are met.

6.2.2 In all other zones nothing in this By-law shall prevent the use of an undersized lot with respect to minimum lot area or frontage provided that:

i. the use of such lot is permitted in the zone in which such lot is located;

ii. all other standards of the zone are maintained.

6.3 ACCESS TO A PUBLIC STREET

6.3.1 No person shall Erect or use a Building or Structure, or use any Lot of land regulated by this by-law, unless the Lot of land to be used, or the Lot of land upon which the Building or Structure is situated or to be situated, abuts or fronts on a public Street.

6.3.2 All access to a Lot, both vehicular and pedestrian, shall be safe and where there is concern, an independent assessment by a qualified traffic consultant may be required at the Owner's expense.

6.3.3 The minimum stopping sight distance standard is established based on a vehicle operator approaching an access driveway with an eye level of 1.1 m (3.6 ft) above Grade and being able to see any object larger than 0.4 m (1.3 ft) in Height at an access driveway, and is as follows:

	Designation	Minimum Stopping Sight Distance
i.	Arterial Street	170.0 m (557.7 ft)
ii.	Collector Street	85.0 m (278.9 ft)
iii.	Local Street	45.0 m (147.6 ft)

6.3.4 An access to a Corner Lot shall be placed no closer than 15.24 m (50 ft) to the Right-of-way of the intersection or may be permitted at the furthest possible distance from the Street intersection.

6.3.5 If an access to a Lot crosses a sidewalk or curb, or requires the removal of a utility pole or fire hydrant, the City shall be notified and may require modifications to be at the Owners expense.

6.3.6 No driveway shall be located on or over Utility Services.

6.3.7 A Lot may be restricted from having more than one (1) access point to a Street.

6.3.8 Access to a Lot through an adjacent Lot may be restricted, where a right-of-way agreement has not been registered.

6.3.9 Where there is an intensification of use on a Lot, one (1) or more access points may need to be closed to enhance the safety of the Street access to that Lot.

6.3.10 All access locations and curb crossings shall require the approval of the City's Public Works Department or the provincial department responsible for the *Roads Act*, where such Streets or highways are under provincial jurisdiction.

6.3.11 The City and/or the Province may restrict or eliminate existing access to a Lot if there are Street improvements necessary or for public safety due to the activities on the Lot.

6.3.12 A traffic study may be required for any Development or proposed Subdivision in the City, and it will be reviewed by both the Public Works and the Police Department.

6.3.13 Where a Development proposal has the potential to generate substantial increased traffic flow, the Development Officer may require the applicant to obtain an independent traffic analysis and may negotiate an agreement with the applicant for an equitable cost sharing of necessary Street improvements arising from the analysis.

6.3.14 No Building and/or Development Permit shall be issued where the proposed Building or Structure, or its Alteration, repair, location or use would be detrimental to the convenience, health or safety of occupants or residents in the vicinity or the general public with regards to traffic access and circulation.

6.3.15 A traffic impact study may be required to assess the potential traffic impacts of a proposed Development.

6.4 GRADE OF SITE

6.4.1 A Surface Drainage Plan shall be:

a. Submitted with all Building and/or Development Permits, indicating the existing and proposed Grade elevations of the property relative to the adjoining property(s);

b. Designed to ensure that surface water runoff on the Lot will not cause damage or water runoff onto adjoining Lots; and

c. Prepared by a qualified engineer or landscape architect.

6.4.2 A Surface Drainage Plan is not required for the following types of Development applications:

a. Hard surfaces including paving when more than 50% of the Lot Area is free and clear of hard surfaces, buildings or Structures.

b. Accessory Buildings:

   i. Under 20 sq m (215 sq ft)

   ii. Replacement of an Accessory Building in the same general area on the Lot as a previous Accessory Building and the drainage direction on the Lot will not change due to the new Accessory Building location or size.

   iii. With a Setback of at least 4m (13.1 ft) from any Lot Line; or

   iv. Where the Lot naturally slopes to a Watercourse or an existing drainage area.

c. New Buildings or Additions to existing Buildings and Structures:

   i. Additions to existing Buildings or existing Accessory Buildings that are under 20 sq m (215 sq ft) in Gross Floor Area and that does not involve an Alteration to the existing Grade surrounding the Addition;

   ii. Where the Lot naturally slopes to a Watercourse or existing natural drainage area provided a new Building requiring a Parking Lot has had an engineer or landscape architect approve the site plan for storm water drainage; or

   iii. Where the Development is raised above Grade and will not affect the existing flow for drainage on the site (i.e. built on sauna tubes or piles) and any new hard surfaces associated with the Building (i.e. roof, parking) continues to flow to the drainage area that existing before the Development.

6.4.3 For any Development, the surface drainage on the Lot shall be approved in two stages:

a. Approval of the proposed Surface Drainage Plan at the time of the approval of the Building and/or Development Permit; and

b. Approval of the Final Grading Plan, which shall be submitted after the site grading portion of the Development has been completed and which shall be a condition of the approval of an Occupancy Permit, when applicable.

6.4.4 The Development Officer may waive the requirement for a Final Grading Plan as a condition of the final Occupancy Permit during winter months, provided the property has been rough Graded and appropriate siltation measures are in place to mitigate surface water run off or erosion during this period.

6.5 LANDSCAPED AREA

6.5.1 A minimum of ten percent (10%) of the Lot Area on which a Building or Structure is Erected shall be used for no other purpose than Landscaped Area.

6.5.2 Where the minimum ten percent (10%) of the Lot Area for landscaping cannot be provided on the ground level, the remaining required Landscaped Area can be accommodated with a Green Roof as an alternative.

6.5.3 In all Zones where the minimum Front Yard Setback permits, a strip of landscaped area of not less than 3.7m (12ft) in width shall be provided along the frontage of the property but shall not prevent the provision of an access driveway across the strip of land.

6.5.4 In all Zones with the exception of the R-1L, R-1S, R-1N, R-2, R-2S and the A Zones, within the minimum Front Yard Setback, the landscaped area shall consist of trees, shrubs or a combination of both not less than 3.7 m (12 ft) in width shall be provided along a Lot Line(s) which abut a Street Line and shall adhere to the following conditions:

a. Comprise a portion of the required ten percent (10%) Landscaped Area and be used for no other purpose thereof;

b. This provision shall not prevent the provision of an access driveway across the strip of land;

c. A minimum of one tree per 10m (32.8ft) of site frontage shall be provided;

d. Required landscaping in the form of trees shall be a minimum of 1.5m (4.9ft) in height with a caliper of at least 55 mm at the time of planting and shall be salt tolerant;

e. Tree species and planting requirements shall be in accordance with Appendix D: Landscape Standards & Specifications;

f. A variety of sizes and species of both deciduous and coniferous plants should be provided to provide year-round interest, colour and aesthetic appeal;

g. Where there are site constraints regarding the planting of trees a landscaping alternative shall be provided in the form of planting beds, ornamental grasses, hard/soft landscaping or a combination thereof;

h. All private landscaped areas, including shrub and tree plantings shall be completed in accordance with the approved site plan and maintained to a standard as defined at the time of the building permit;

i. Where there is any outstanding landscaping work that has not been completed as per the approved plans of a development, the Development Deposit shall be forfeited and directed to a fund for public landscaping.

6.5.5 The removal or alteration of any tree located partially or fully on public property shall be in accordance with the City of Charlottetown Tree Protection By-law.

6.5.6 Where landscaping requirements as set forth in this By-law are not met, the Development Security submitted at time of permit shall be forfeited and the funds therein shall be deposited to a Public Tree Reserve Fund to be used for landscaping on public property.

6.6 LAND USE BUFFERS

6.6.1 The provision and Maintenance of a Land Use Buffer between Commercial or Industrial Uses and adjoining Residential Uses shall be required for all new Development, and such a Land Use Buffer shall include one (1) or more of the following features: a berm; a natural area containing a Watercourse or trees; or a man-made feature such as a wall, Fence, or walkway.

6.6.2 Unless otherwise provided for in this by-law, a 4.0 m (13 ft) Land Use Buffer shall be shown on the site plan and constructed along any Lot Line of a Multi-unit Residential, Commercial, or Institutional Building where the said Lot Line abuts a R-1L, R-1S, R-1N, R-2, or R-2S Zone;

6.6.3 Where an Employment/Industrial Development abuts a Residential Zone along a Side or Rear Lot Line, a Land Use Buffer of not less than 8.0 m (26.2 ft) in width shall be shown on the site plan and constructed along the Side or Rear Lot Line of the Employment/Industrial Development.

6.6.4 Where a new Residential Subdivision abuts any Employment/Industrial or CDA Zone, the Subdivision shall include a 4 m (13 ft) Land Use Buffer along the adjoining boundary.

6.7 GARBAGE AREA

6.7.1 Garbage containers shall be stored inside a building or within a garbage container enclosure and screened by a 1.8 metre opaque fence, except for residential development of less than four (4) dwelling units.

6.7.2 A garbage container enclosure shall not be located within the front yard in a residential zone and shall not be located within the front yard setback within all other zones.

6.7.3 Refuse areas should be located beside or behind buildings to minimize their visual impact from the street.

6.7.4 When a garbage container is located onsite and visible from a street, the enclosure shall improve the overall aesthetic of the streetscape, and use high quality materials incorporating design elements of the principal building.

6.7.5 A garbage container shall be accessible and unencumbered for collection at all times.

6.8 DEVELOPMENT ABUTTING THE CONFEDERATION TRAIL

6.8.1 Where any Development is constructed on land that abuts the Confederation Trail, the Setback distance for a Building or Structure shall be 8.0 m (26 ft) from the Lot Line of the Confederation Trail.

6.8.2 Where Outdoor Storage is maintained on land that abuts the Confederation Trail, such storage shall not be located closer than 8.0 m (26 ft) to the Lot Line of the Confederation Trail unless it is suitably screened by a Landscaped Area or an opaque Fence.

6.9 ILLUMINATION

6.9.1 No person shall illuminate an area outside any Building unless such illumination is directed away from adjoining Residential properties and adjacent Streets where the light may affect safety for vehicle or pedestrian traffic.

6.9.2 If lighting adversely affects adjoining properties, the Owner may be required to take measures such as providing a Landscaped Area and/or shades to correct the problem and/or a timer to shut off the lighting.

6.9.3 Where illumination is provided in connection with a Commercial Use, the lighting shall be directed inward on the subject Lot.

6.10 DEVELOPMENT ADJACENT TO WATERCOURSES AND WETLANDS

6.10.1 Where part of the Lot Area of a Lot is located within or adjacent to a Watercourse or Wetland, the minimum required Setback shall be measured from the nearest wall of the main Building or Structure to the edge of the Watercourse and Wetland Environmental Buffer, as defined in the regulations of the *Environmental Protection Act* (See Appendix E).

6.10.2 Notwithstanding the foregoing required minimum Building Setback, the Development Officer may approve a lesser Setback, if the applicant provides a copy of an approved Watercourse and Wetland Alteration Permit in accordance with the *Environmental Protection Act* and:

a. The property is located on the Charlottetown Waterfront between the Queen Charlotte Armories and the Hillsborough Bridge;

b. The existing Lot or parcel has insufficient Lot Area to reasonably provide the required Setback from the a Watercourse or Wetland;

c. There will be no immediate danger to inhabitants of the proposed Building or Structure; and

d. Construction can be undertaken without undue erosion or surface runoff to the Watercourse or Wetland.

6.10.3 The City may ask for a watershed management plan for the Lot or area when a Development is proposed adjacent to a Watercourse or Wetland.

6.10.4 The following uses may be permitted adjacent to a Watercourse or Wetland where they are a permitted Use in the Zone, and if the applicant provides a copy of an approved Watercourse and Wetland Alteration Permit in accordance with the *Environmental Protection Act* of the province:

a. Boat ramp or launch facility; and

b. Marina.

6.10.5 When a Building or Structure can be built over water and has the required approvals from federal and provincial governments, the area of the water Lot shall only be counted for the area encompassed by the footprint of the Building or Structure under the provisions of this by-law for Lot Area and all other provisions for the Zone in which the property is located shall be followed.

6.11 UTILITIES AND INFRASTRUCTURE

6.11.1 When a property owner connects an existing or proposed Building to a power supply or upgrades an existing power supply, and where the power supply is underground in the public right-of-way or in an easement (public or private), or is buried underground on private property, the property owner shall be required to bury the electrical supply for the connection between the Building (existing or proposed) to the adjacent right-of-way or easement (public or private) or existing buried service to the property.

7 DESIGN STANDARDS FOR THE 500 LOT AREA

7.1 WHERE THESE REGULATIONS APPLY

7.1.1 The following regulations shall apply to all Building and Development Permit applications for properties located within the 500 Lot Area, as defined and described in Appendix E.

7.1.2 An exemption to the regulations in this Section may be approved by Council, if supported by a recommendation by the Heritage Board for a Designated Heritage Resource or for a property located within a Heritage Preservation Area as defined in the *Heritage Preservation By-law*, when the strict adherence to these regulations may negatively impact the integrity and preservation of the Heritage Resource or Heritage Preservation Area.

7.2 BUILDING ORIENTATION AND CORNER LOTS

7.2.1 All Buildings shall have one primary entrance that faces the Street and has direct access to the sidewalk.

7.2.2 Buildings on Corner Lots shall:

a. Orient to both Street Lot Frontages; and,

b. Architectural features shall wrap the corner of the Building and address the corner condition.

7.2.3 Street access to individual Attached Residential Units (i.e. townhouses) shall be clearly visible, and the scale, rhythm and articulation of the front façade shall be consistent with the Residential character of adjacent Residential Buildings.

7.3 FRONT FAÇADE HEIGHT AND WIDTH

7.3.1 The primary plane of the front façade shall not appear taller than traditional Buildings on the Street, unless the adjacent Building marks an identifiable transition in Building style and/or land use.

7.3.2 Building elements that are taller than the primary plane of the front façade shall be designed to contrast that of the lower levels in materials and/or design.

7.3.3 A single wall plane on the front facade shall not exceed the maximum façade width of the traditional Buildings on the Street unless the adjacent Building marks an identifiable transition in Building style and/or land use.

7.3.4 For larger or wider Buildings, vertical divisions or bays in the façade at a width consistent with the traditional Buildings on the Street shall be clearly articulated.

7.4 BUILDINGS MATERIALS

7.4.1 The Front and Flankage facades shall carry a consistent type and quality of materials. Where a Side Yard Setback is greater than 3 m (9.8 ft), the Side facade shall also carry a consistent

material. This clause also applies to the rear façade on a Corner Lot when the Rear Yard is greater than 3 m (9.8 ft).

7.4.2 Cement clap-board is not permitted on the Front or Flankage façade of a Building, but may be permitted on the Side or Rear of the Building.

7.4.3 Vinyl siding is not permitted on the Front or Flank façade of a Building, but may be permitted on the Side or Rear of the Building.

7.4.4 Materials such as plastic, plywood, concrete block, mirrored glass and metal siding utilizing exposed fasteners are not permitted on the Front and Flankage façades of a Building.

7.4.5 The appearance of Building materials shall be true to their nature and should not mimic other materials.

7.4.6 Where a prohibited material currently exists it may be maintained and replaced as necessary.

7.5 WINDOWS

7.5.1 The Front and Flankage facades shall carry a consistent style and material of windows. Where a Side Yard Setback is greater than 3 m (9.8 ft), the Side façade shall also carry a consistent style and material of windows. This clause also applies to the rear façade on a Corner Lot when the Rear Yard is greater than 3 m (9.8 ft).

7.5.2 The placement and coordination of windows and doors shall create a balanced facade.

7.5.3 Windows on all facades shall vertically and horizontally align with each other and other features of the Structure, when architecturally appropriate for the design of the Building.

7.5.4 Sliding (patio-style) doors shall not be permitted on the Front or Flankage side of the Building.

7.5.5 For Additions to, or for a Renovation to an existing Structure with:

a. Windows with simulated divided lights with a spacer bar, new windows shall also have simulated divided lights with a spacer bar.

b. Single or double hung windows, new windows shall also be single or double hung.

7.6 ROOF

7.6.1 The expression of the roof shall be clearly distinguished from the rest of the Building through treatments such as step-backs, change in materials, cornices lines, and overhangs when architecturally appropriate for the design of the Building.

7.6.2 Front facing sloped roofs shall include accent gables, dormers, and a variation of rooflines.

7.6.3 The soffit shall have a consistent overhang typical of the streetscape.

7.7 SECONDARY STRUCTURES ON A ROOF

7.7.1 Mechanical penthouses shall be integrated within the architectural treatment of roofs shall be screened from view.

7.7.2 All stacks, gas flues, and roof vents shall not be visible from the Front elevations. Gas flues shall be located near the roof ridge to reduce their Height.

7.7.3 All metal chimneys shall be boxed-in and finished with cladding.

7.7.4 Skylights shall be located on a roof not visible from the Front elevation.

7.8 PORCHES

7.8.1 A Porch shall be deep enough to allow a seating area with a minimum depth of 1.5m (5 ft).

7.8.2 The Height of the Porch roof shall align with that of Porches on adjacent or nearby Buildings, and shall be constructed of materials used elsewhere on the Building.

7.9 LANDSCAPING

7.9.1 A Landscaped Area shall be provided between the sidewalk and the front façade of the Building, where appropriate for a continuous streetscape.

7.10 SURFACE PARKING

7.10.1 Surface Parking is not permitted in the Front Yard Setback.

7.10.2 Driveways may be permitted when they extend into the Side or Rear Yard of the property, or when used to access an Attached Garage.

7.10.3 Shared driveways and Curb Cuts are permitted with adjacent properties, subject to a Right-of-way agreement between property owners.

7.10.4 Shared parking in an interior courtyard with a single access point is permitted, subject to a Right-of-way agreement between property owners.

7.10.5 Curb Cuts shall accommodate single-car access and the single-car width of the driveway shall be maintained until the driveway extends beyond the front facade of the main Building.

7.10.6 A Parking Lot shall not be located in the Front or Flankage Yard.

7.10.7 Where a Parking Lot has more than 6 spaces and is visible from the Street, a Landscaped Area or Fence shall be provided between the sidewalk and the Parking Lot.

7.11 GARAGES AND PARKING STRUCTURES

7.11.1 Attached Residential Garages shall not project closer to the Front Lot Line than the front wall of the main Building.

7.11.2 Attached Residential parking Garages shall be permitted where the width of the Garage is no greater than 50% of the width of the main Building's front façade.

7.11.3 Where a Parking Structure fronts on a Street:

a. The ground-level façade shall incorporate retail, public or other active uses, as well as provide pedestrian amenities such as an Awning, Canopy, or sheltered entryway; and

b. The front façade shall be designed to conceal the parking levels and gives the visual appearance of a multi-Storey Building articulated with bays and window openings.

7.12 STOREFRONTS

7.12.1 Storefronts and other ground floor non-Residential uses shall have a consistent amount of windows and doors on the front façade as those of traditional Buildings on the Street.

7.12.2 Reflective or opaque glazing is not permitted for Retail Storefronts.

7.12.3 An identifiable transition shall be provided between the ground floor storefront and the upper floor of a Building. This transition may consist of a change in material, change in fenestration, or similar means.

7.12.4 Storefront entrances shall be clearly articulated and shall be located at or near Grade. Split level, raised or sunken entrances are only permitted on Street Frontages with a steep slope and where no other alternative can be feasibly provided.

7.12.5 Weather protection for pedestrians is permitted over a storefront entranceway through the use of an Awning or Canopy.

8 ZONES

8.1 ZONES

8.1.1 For the purpose of this by-law, the City is divided into classes of land-use activity Zones, the boundaries of which are depicted on the Zoning Map. Such Zones may be referred to by the appropriate symbols as follows:

	Land Use Category	Land use Zone	Symbol
a.	Residential	i. Single Detached	R-1L
		ii. Single Detached	R-1S
		iii. Narrow Single Detached	R-1N
		iv. Manufactured Housing	MH
		v. Manufactured Housing Residential	MHR
		vi. Low Density	R-2
		vii. Low Density Single	R-2S
		viii. Medium Density	R-3
		ix. Medium Density Townhouse	R-3T
		x. Apartment	R-4
		xi. Apartment – A	R-4A
		xii. Apartment – B	R-4B
		xiii. Medium Density Mixed Use	MUR
b.	Mixed use Residential + Commercial	xi. East Royalty Mixed Use Village Centre	ER-MUVC
		xii. Mixed-Use Corridor	MUC
		xiii. Business Office	C-1
		xiv. Highway	C-2
		xv. Shopping Centre	C-3
		xvi. Downtown Neighbourhood	DN
		xvii. Downtown Mixed Use Neighbourhood	DMUN
		xviii. Downtown Mixed Use	DMU
		xix. Downtown Core	DC
		xx. Waterfront	WF
c.	Employment/Industrial	vii. Industrial Light	M-1
		viii. Industrial Heavy	M-2
		ix. Business Park	M-3
		x. Airport	A
		xi. Port	PZ
		xii. Parking	P
d.	Institutional	iii. Institutional	I
		iv. Park/Cultural	PC
e.	Open Space	ii. Open Space	OS
f.	Other	iii. Comprehensive Development Zone	CDA
		iv. Future Development	FD

9 SINGLE DETACHED RESIDENTIAL ZONE (R-1L)

9.1 PERMITTED USES

9.1.1 Single-detached Dwelling; and

9.1.2 Modular Dwelling

9.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	540 sq. m (5,812.5 sq ft)	686 sq. m (7,384.0 sq ft)
2	Lot Frontage (Minimum)	18 m (59.1 ft)	22 m (72.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

9.3 ACCESSORY AND SECONDARY USES

9.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Secondary Suite;

b. Accessory Building;

c. Garden Suite;

d. Home Occupation;

e. Tourist Accommodations; and

f. Home Daycare

10 SINGLE DETACHED RESIDENTIAL ZONE (R-1S)

10.1 PERMITTED USES

10.1.1 Single-detached Dwelling; and

10.1.2 Modular Dwelling

10.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	540 sq. m (5,812.5 sq ft)	686 sq. m (7,384.0 sq ft)
2	Lot Frontage (Minimum)	18 m (59.1 ft)	22 m (72.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

10.3 ACCESSORY AND SECONDARY USES

10.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Secondary Suite;

b. Accessory Building;

c. Garden Suite;

d. Home Occupation;

e. Tourist Accommodations; and

f. Home Daycare

11 NARROW SINGLE DETACHED RESIDENTIAL ZONE (R-1N)

11.1 PERMITTED USES

11.1.1 Single-detached Dwelling; and

11.1.2 Modular Dwelling

11.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	325 sq. m (3,498.3 sq ft)	418 sq. m (4,499.3 sq ft)
2	Lot Frontage (Minimum)	10.6 m (34.8 ft)	15.2 m (49.9 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

11.3 ACCESSORY AND SECONDARY USES

11.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

11.4 UNDERGROUND UTILITIES

11.4.1 Any property Zoned R-1N shall be required to install underground Utility Services.

12 MANUFACTURED HOUSING ZONE (MH)

12.1 PERMITTED USES

12.1.1 Single-detached Dwelling;

12.1.2 Modular Dwelling;

12.1.3 Mini-home Dwelling; and

12.1.4 Community Building

12.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Site Area (Minimum)	465 sq. m (5,005.42 sq ft)	540 sq. m (5,812.5 sq ft)
2	Site Frontage (Minimum)		
	End-on Sites	12 m (39.4 ft)	15 m (49.2 ft)
	Front on Sites	29 m (95.1 ft)	29 m (95.1 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

12.2.1 A Mini-home/Modular Dwelling Development or Mini-home/Modular Dwelling Subdivision shall be located on a designated site that is not less than 3.0 hectares (7.41 acres) in Lot Area.

12.2.2 Mini-home or Modular Dwelling Developments shall not have a density greater than 20 units per hectare.

12.2.3 Private streets within a Mini-home or Modular Dwelling Development shall have a minimum paved surface width of 7.3 m and have an overall Right-of-way width of 10.7 m (35.1 ft)

12.2.4 All sites shall be connected to Municipal Services.

12.2.5 The entire undercarriage of a Mini-home shall be skirted with an opaque material.

12.2.6 A storm water management plan shall be required for a Mini-home or Modular Dwelling Development. Storm water shall be managed through the use of a storm water system.

12.3 LANDSCAPED AREA

12.3.1 In addition to the minimum Landscaped Area requirements, a minimum 6 m (19.7 ft) wide Landscaped Area shall be maintained along all property lines. This strip shall be planted with deciduous and conifer trees and shrubs. Such vegetation shall be a minimum of 1.5 m (4.9 ft) in Height at the time of planting and shall be spaced no greater than 5 m (16.4 ft) apart, to the satisfaction of the Development Officer.

12.3.2 A Landscaped Area plan for a Mini-home or Modular Dwelling Development shall be submitted to the City having consideration for the following:

a. Trees and other vegetation;

b. Natural areas;

c. Elevations of the land;

d. A Land Use Buffer areas along the perimeter of the Mini-home, Modular Dwelling Development; and

e. Walkways or Open Space area for general use by residents.

12.4 ACCESSORY AND SECONDARY USES

12.4.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

13 MANUFACTURED HOUSING RESIDENTIAL ZONE (MHR)

13.1 PERMITTED USES

13.1.1 Single-detached Dwelling;

13.1.2 Modular Dwelling;

13.1.3 Mini-home Dwelling;

13.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Site Area (Minimum)	465 sq. m (5,005.42 sq ft)	540 sq. m (5,812.5 sq ft)
2	Site Frontage (Minimum)		
	End-on Sites	12 m (39.4 ft)	15 m (49.2 ft)
	Front on Sites	29 m (95.1 ft)	29 m (95.1 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

13.2.1 The entire undercarriage of a Mini-home shall be skirted with an opaque material.

13.3 ACCESSORY AND SECONDARY USES

13.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

14 LOW DENSITY RESIDENTIAL ZONE (R-2)

14.1 PERMITTED USES

14.1.1 Uses permitted in the R-1S Zone, subject to the Regulations for Permitted Uses for the R-1S Zone;

14.1.2 Semi-detached Dwelling; and

14.1.3 Duplex Dwelling

14.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	348 sq. m (3,745.7 sq ft) per unit	395 sq. m (4,251.7 sq ft) per unit
2	Lot Frontage (Minimum)	11.0 m (36.1 ft) per unit	12.2 m (40 ft) per unit
3	Front Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4	Rear Yard (Minimum)		
	Front yard access	7.5 m (24.6 ft)	7.5 m (24.6 ft)
	Rear lane access	10.5 m (34.6 ft)	10.5 m (34.6 ft)
5	Side Yard (Minimum)	1.83 m (6.0 ft)	1.83 m (6.0 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

14.3 REGULATIONS FOR DUPLEX DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	650 sq. m (6,996.5 sq ft)	740 sq. m (7,965.3 sq ft)
2	Lot Frontage (Minimum)	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3	Front Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4	Rear Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	9.0 m (29.5 ft)	9.0 m (29.5 ft)
5	Side Yard (Minimum)	1.83 m (6.0 ft)	1.83 m (6.0 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

14.4 ACCESSORY AND SECONDARY USES

14.4.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

15 LOW DENSITY RESIDENTIAL SINGLE ZONE (R-2S)

15.1 PERMITTED USES

15.1.1 Uses permitted in the R-1L Zone, subject to the Regulations for Permitted Uses for the R-1L Zone;

15.1.2 Semi-detached Dwelling; and

15.1.3 Duplex Dwelling

15.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	348 sq. m (3,745.7 sq ft) per unit	395 sq. m (4,251.7 sq ft) per unit
2	Lot Frontage (Minimum)	11.0 m (36.1 ft) per unit	12.2 m (40 ft) per unit
3	Front Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4	Rear Yard (Minimum)		
	Front yard access	7.5 m (24.6 ft)	7.5 m (24.6 ft)
	Rear lane access	10.5 m (34.6 ft)	10.5 m (34.6 ft)
5	Side Yard (Minimum)	1.83 m (6.0 ft)	1.83 m (6.0 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

15.3 REGULATIONS FOR DUPLEX DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	650 sq. m (6,996.5 sq ft)	740 sq. m (7,965.3 sq ft)
2	Lot Frontage (Minimum)	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3	Front Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	4.2 m (13.8 ft)	4.2 m (13.8 ft)
4	Rear Yard (Minimum)		
	Front yard access	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear lane access	9.0 m (29.5 ft)	9.0 m (29.5 ft)
5	Side Yard (Minimum)	1.83 m (6.0 ft)	1.83 m (6.0 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

15.4 ACCESSORY AND SECONDARY USES

15.4.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

16 MEDIUM DENSITY RESIDENTIAL ZONE (R-3)

16.1 PERMITTED USES

16.1.1 Uses permitted in the R-1N Zone subject to the Regulations for Permitted Uses for the R-1N Zone;

16.1.2 Uses permitted in the R-2 Zone subject to the Regulations for the Permitted Uses for the R-2 Zone;

16.1.3 Apartment Dwelling;

16.1.4 Block Townhouse Dwelling;

16.1.5 Converted Dwelling;

16.1.6 Lodging House Limited;

16.1.7 Stacked Townhouse Dwelling;

16.1.8 Townhouse Dwelling;

16.1.9 The following Institutional uses, subject to the Regulations for Permitted Uses for the Institutional (I) Zone

a. Community Building;

b. Community Care Facility;

c. Community Institutional;

d. Commercial Daycare Centre; and

e. Nursing Home

16.2 REGULATIONS FOR APARTMENT DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	115 sq. m (1,237.9 sq ft) per unit	140 sq. m (1,507.0 sq ft) per unit
2	Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)		
	Eight (8) or less units	3.0 m (9.8 ft)	3.0 m (9.8 ft)
	More than eight (8) units	4.5 m (14.8 ft)	6.0 m (19.7 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	15.0 m (49.2 ft)	15.0 m (49.2 ft)

16.3 REGULATIONS FOR TOWNHOUSE, STACKED AND BLOCK TOWNHOUSE DWELLINGS

		Interior Lot	***Corner Lot***
1	Lot Area (Minimum)		
	Townhouse	195 sq m (2,099.0 sq ft) per unit	220 sq m (2,368.1 sq ft) per unit
	Stacked Townhouse	140 sq m (1,507.0 sq ft) per unit	165 sq m (1,776.0 sq ft) per unit
2	Lot Frontage Per Unit and Per Stack (2) Units for Stacked Townhouses (Minimum)	6.1 m (20.0 ft) OR 25.0 m (82 ft) whichever is less	9.0 m (29.5 ft) OR 30.0 m (98.4 ft) whichever is less
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear Lane Access (Minimum)	4.3 m (14.1 ft)	4.3 m (14.1 ft)
4	Rear Yard		
	Front Access (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
	Rear Lane Access (Minimum)	10.5 m (34.4 ft)	10.5 m (34.4 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

16.3.8 Regulations for Townhouses, Stacked and Block Townhouse Dwellings include:

a. Where Dwelling Units are to be subdivided, an Easement in favour of the central units for access to the Rear Yards from the Street shall be provided.

b. A maximum of 8 consecutive Dwelling Units

c. Where 8 consecutive Dwelling Units are proposed, individual Dwelling Units shall not exceed 6.5 m (21.3 ft) in width.

16.4 REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

		Interior Lot	**Corner Lot**
1	Lot Area (Minimum)	325 sq. m (3,498.3 sq. ft)	395 sq. m (4,251.9 sq. ft)
2	Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)

5	Side Yard (Minimum)	1.8 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

The number of rooms is determined by the following:

a. For the first 325 sq. m (3,498.3 sq. ft.) for an interior lot and 395 sq. m (4,251.7 sq. ft.) for a corner lot of Lot Area, four (4) bedrooms are permitted;

b. For every additional bedroom or lodging room over four (4) bedrooms or lodging rooms, the Lot area must be increased by 90 sq. m (968.7 sq. ft.) thereof.

16.5 CONVERTED DWELLING

16.5.1 An existing Dwelling may be Altered and used as a Duplex, Semi-detached or a Multi-unit Dwelling provided that:

a. The Building is structurally sound and the conversion satisfies the requirements under the *City of Charlottetown Building Code By-law*.

b. The conversion can be undertaken without extreme Alterations or Additions excepting the construction or addition of new windows, fire escapes and outside stairways;

c. The number of Dwelling Units permitted shall be consistent with that which is permitted for an Apartment Dwelling.

16.6 ACCESSORY AND SECONDARY USES

16.6.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

17 MEDIUM DENSITY RESIDENTIAL TOWNHOUSE ZONE (R-3T)

17.1 PERMITTED USES

17.1.1 Uses permitted in the R-1N Zone subject to the Regulations for Permitted Uses for the R-1N Zone;

17.1.2 Uses permitted in the R-2 Zone subject to the Regulations for the Permitted Uses for the R-2 Zone;

17.1.3 Block Townhouse Dwelling;

17.1.4 Converted Dwelling;

17.1.5 Lodging House Limited;

17.1.6 Stacked Townhouse Dwelling;

17.1.7 Townhouse Dwelling;

17.1.8 The following Institutional uses are permitted in the R-3 Zone, subject to the Regulations for Permitted Uses for the Institutional (I) Zone

a. Community Building;

b. Community Care Facility;

c. Community Institutional;

d. Commercial Daycare Centre; and

e. Nursing Home

17.2 REGULATIONS FOR TOWNHOUSE, STACKED AND BLOCK TOWNHOUSE DWELLINGS

		Interior Lot	***Corner Lot***
1	Lot Area (Minimum)		
	Townhouse	195 sq m (2,099.0 sq ft) per unit	220 sq m (2,368.1 sq ft) per unit
	Stacked Townhouse	140 sq m (1,507.0 sq ft) per unit	165 sq m (1,776.0 sq ft) per unit
2	Lot Frontage Per Unit and Per Stack (2) Units for Stacked Townhouses (Minimum)	6.1 m (20.0 ft) OR 25.0 m (82 ft) whichever is less	9.0 m (29.5 ft) OR 30.0 m (98.4 ft) whichever is less
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear Lane Access (Minimum)	4.3 m (14.1 ft)	4.3 m (14.1 ft)
4	Rear Yard		
	Front Access (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
	Rear Lane Access (Minimum)	10.5 m (34.4 ft)	10.5 m (34.4 ft)

5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

17.2.1 Regulations for Townhouses, Stacked and Block Townhouse Dwellings include:

a. Where Dwelling Units are to be subdivided, an Easement in favour of the central units for access to the Rear Yards from the Street shall be provided.

b. A maximum of 8 consecutive Dwelling Units

c. Where 8 consecutive Dwelling Units are proposed, individual Dwelling Units shall not exceed 6.5 m (21.3 ft) in width.

17.3 REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	325 sq. m (3,498.3 sq. ft)	395 sq. m (4,251.9 sq. ft)
2	Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.8 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

The number of rooms is determined by the following:

a. For the first 325 sq. m (3,498.3 sq. ft.) for an interior lot and 395 sq. m (4,251.7 sq. ft.) for a corner lot of Lot Area, four (4) bedrooms are permitted;

b. For every additional bedroom or lodging room over four (4) bedrooms or lodging rooms, the Lot area must be increased by 90 sq. m (968.7 sq. ft.) thereof.

17.4 CONVERTED DWELLING

17.4.1 An existing Dwelling may be Altered and used as a Duplex, Semi-detached or a Multi-unit Dwelling provided that:

a. The Building is structurally sound and the conversion satisfies the requirements under the *City of Charlottetown Building Code By-law*.

b. The conversion can be undertaken without extreme Alterations or Additions excepting the construction or addition of new windows, fire escapes and outside stairways;

c. The number of Dwelling Units permitted shall be consistent with that which is permitted for an Apartment Dwelling.

17.5 ACCESSORY AND SECONDARY USES

17.5.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

18 APARTMENT RESIDENTIAL ZONE (R-4)

18.1 PERMITTED USES

18.1.1 Uses permitted in the R-3 Zone, subject to the Regulations for Permitted Uses for the R-3 Zone;

18.2 REGULATIONS FOR APARTMENT DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	115 sq. m (1,237.9 sq ft) per unit	140 sq. m (1,507.0 sq ft) per unit
2	Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)		
	Eight (8) or less units	3.0 m (9.8 ft)	3.0 m (9.8 ft)
	More than eight (8) units	4.5 m (14.8 ft)	6.0 m (19.7 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	15.0 m (49.2 ft)	15.0 m (49.2 ft)

18.3 ACCESSORY AND SECONDARY USES

18.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

19 APARTMENT RESIDENTIAL ZONE (R-4A)

19.1 PERMITTED USES

19.1.1 Uses permitted in the R-3T Zone, subject to the Regulations for Permitted Uses for the R-3T Zone and excluding the following uses:

a. Single-detached Dwelling; and

b. Modular Dwelling.

19.2 REGULATIONS FOR APARTMENT DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	115 sq. m (1,237.9 sq ft) per unit	140 sq. m (1,507.0 sq ft) per unit
2	Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)		
	Eight (8) or less units	3.0 m (9.8 ft)	3.0 m (9.8 ft)
	More than eight (8) units	4.5 m (14.8 ft)	6.0 m (19.7 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	15.0 m (49.2 ft)	15.0 m (49.2 ft)

19.3 ACCESSORY AND SECONDARY USES

19.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

20 APARTMENT RESIDENTIAL ZONE (R-4B)

20.1 PERMITTED USES

20.1.1 Uses permitted in the R-3T Zone, subject to the Regulations for Permitted Uses for the R-3T Zone and excluding the following uses:

a. Single-detached Dwelling; and

b. Modular Dwelling.

20.2 REGULATIONS FOR APARTMENT DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	115 sq. m (1,237.9 sq ft) per unit	140 sq. m (1,507.0 sq ft) per unit
2	Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)		
	Eight (8) or less units	3.0 m (9.8 ft)	3.0 m (9.8 ft)
	More than eight (8) units	4.5 m (14.8 ft)	6.0 m (19.7 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	15.0 m (49.2 ft)	15.0 m (49.2 ft)

20.3 ACCESSORY AND SECONDARY USES

20.3.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Accessory Building;

b. Home Occupation; and

c. Home Daycare

21 MEDIUM DENSITY MIXED USE RESIDENTIAL ZONE (MUR)

21.1 PERMITTED USES

21.1.1 The following uses are permitted subject to the Regulations for Permitted Uses for the R-3 Zone and the following Regulations for Mixed Density Distribution in the MUR Zone section 21.2:

21.1.2 Single detached Dwelling;

21.1.3 Semi-Detached Dwelling;

21.1.4 Duplex Dwelling;

21.1.5 Townhouse Dwelling;

21.1.6 Stacked Townhouse Dwelling;

21.1.7 Block Townhouse Dwelling;

21.1.8 Nursing Home; and

21.1.9 Community Care Facility.

21.2 REGULATIONS FOR MIXED DENSITY DISTRIBUTION

21.2.1 Development within the MUR Zone is meant to be of a mixed variety of building forms and density. Building forms within this Zone shall consist of a combination of Townhouse Dwellings, Semi-detached or Duplex Dwellings, Single-detached Dwellings, Nursing Homes and Community Care Facilities.

21.2.2 Within the MUR Zone the following Building forms shall be permitted on any Block in the percentages indicated:

a. Semi-detached and Duplex Dwellings shall be permitted on up to 25% of the Lots;

b. Townhouses/Stacked Townhouses/Block Townhouse Dwellings shall be permitted on up to 25% of the Lots;

c. Single-detached Dwellings shall be permitted on up to 35% of the Lots; and

d. Institutional Uses as permitted in the R-3 Zone shall be permitted on up to 15% of the Lots. However, if the percentage for Institutional Uses is not used than the percentage allocated to this use can be allocated in 1/3 increments for the remaining uses as stipulated in this section or the remaining portion can be allocated in whole to Single-detached Dwellings.

21.2.3 Single-detached, Semi-detached and Duplex Dwellings shall be permitted on adjoining Lots on the same side of the street adjacent to townhouse Dwellings. At least one side of a run of semi-detached or duplex Dwelling must be flanked by a Single-detached Dwelling.

21.2.4 No more than three (3) Townhouse Dwellings with a maximum of twelve (12) units total on all three (3) lots shall be permitted to be constructed on adjoining Lots on the same side of the street.

21.2.5 At no time shall more than two (2) Townhouse Dwelling consisting of more than six (6) Dwelling Units be permitted to be constructed on adjoining Lots.

21.2.6 Subdivision of land within the MUR Zone shall be undertaken in Phases. Prior to approval of a Subdivision within the MUR Zone a concept plan shall be submitted for the overall parcel. The concept plan shall indicate the Phases of Development and shall ensure the mixed density formula has been satisfied for the overall parcel of land.

22 INSTITUTIONAL ZONE (I)

22.1 PERMITTED USES

22.1.1 Cemetery;

22.1.2 Club;

22.1.3 Commercial Daycare Centre;

22.1.4 Community Building;

22.1.5 Community Care Facility;

22.1.6 Community Institutional;

22.1.7 Cultural Establishment;

22.1.8 Dormitory;

22.1.9 Educational Institution (private);

22.1.10 Educational Institution (public);

22.1.11 Fire Station;

22.1.12 Funeral Establishment;

22.1.13 Government Office;

22.1.14 Hospital;

22.1.15 Library;

22.1.16 Lodging House;

22.1.17 Medical, Health and Dental Office;

22.1.18 Nursing Home;

22.1.19 Place of Worship;

22.1.20 Police Station;

22.1.21 Public Utility Service Operation;

22.1.22 Recreation or Fitness Center (indoors); and

22.1.23 Transitional Housing Facility

22.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	930 sq. m (10,010.4 sq ft)	1,000 sq. m (10,764.9 sq ft)
2	Lot Frontage (Minimum)	24 m (78.7 ft)	24 m (78.7 ft)
3	Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
4	Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.6 m (24.9 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

22.3 REGULATIONS FOR COMMUNITY CARE FACILITIES/NURSING HOMES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)		
	For three (3) bedrooms	370 sq. m (3,982.6 sq ft)	395 sq. m (4,251.7 sq ft)
	For each additional bedroom	100 sq. m (1076.4 sq ft)	100 sq. m (1076.4 sq ft)
2	Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.3 m (4.3 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	15.0 m (49.2 ft)	15.0 m (49.2 ft)

22.4 REGULATIONS FOR LODGING HOUSES AND GROUP HOMES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	325 sq. m (3,498.3 sq. ft)	395 sq. m (4,251.9 sq. ft)
2	Lot Frontage (Minimum)	10.6 m (34.8 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.8 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

The number of rooms is determined by the following:

a. For the first 325 sq. m (3,498.3 sq. ft.) for an interior lot and 395 sq. m (4,251.7 sq. ft.) for a corner lot of Lot Area, four (4) bedrooms are permitted;

b. For every additional bedroom or lodging room over four (4) bedrooms or lodging rooms, the Lot area must be increased by 90 sq. m (968.7 sq. ft.) thereof.

23 EAST ROYALTY MIXED USE VILLAGE CENTRE ZONE (ER-MUVC)

23.1 PERMITTED USES

23.1.1 Uses permitted in the R-4B Zone, subject to the Regulations for permitted uses for the R-4B Zone;

23.1.2 Uses permitted in the Institutional (I) Zone, subject to the Regulations for permitted uses for the I Zone;

23.1.3 Automobile Service Station;

23.1.4 Convenience Store;

23.1.5 Drive-thru Business;

23.1.6 Eating and Drinking Establishment;

23.1.7 Entertainment Establishment;

23.1.8 Garden Centre;

23.1.9 Grocery Store;

23.1.10 Hostel;

23.1.11 Hotel;

23.1.12 Laundromat;

23.1.13 Office;

23.1.14 Parking Lot;

23.1.15 Personal Service Shop;

23.1.16 Retail Store;

23.1.17 Shopping Centre;

23.1.18 Theatre;

23.1.19 Transportation Service; and

23.1.20 Veterinary Services.

23.2 REGULATIONS FOR ALL COMMERCIAL USES IN THE ER-MUVC ZONE

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	600 sq. m (6,458.3 sq ft)	700 sq. m (7,534.7 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	8 m (26.2 ft)	8 m (26.2 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

24 MIXED-USE CORRIDOR ZONE (MUC)

24.1 PERMITTED USES

24.1.1 Uses permitted in the R-4 Zone, subject to the Regulations for Permitted Uses for the R-4 Zone;

24.1.2 Uses permitted in the Institutional (I) Zone, subject to the Regulations for permitted uses for the I Zone;

24.1.3 Commercial Uses permitted in the ER-Mixed Use Village Centre Zone (ER-MUVC);

24.1.4 Automobile Sales and Services;

24.1.5 Cannabis Retail Store;

24.1.6 Equipment Sales, Rental Service;

24.1.7 Greenhouse (nursery retail);

24.1.8 Outdoor Retail Display;

24.1.9 Parking Lot;

24.1.10 Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility;

24.1.11 Retail Warehouse;

24.1.12 Service Repair Establishment;

24.1.13 Storage Facility;

24.1.14 Transport Terminal; and

24.1.15 Warehouse and/or Distribution Centre

24.2 REGULATIONS FOR COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	600 sq. m (6,458.4 sq ft)	700 sq. m (7,535 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	8 m (26.2 ft)	8 m (26.2 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

25 BUSINESS OFFICE COMMERCIAL ZONE (C-1)

25.1 PERMITTED USES

25.1.1 Uses as permitted in the R-3 Zone subject to the Regulations for Permitted Uses for the R-3 Zone;

25.1.2 Convenience Store;

25.1.3 Educational Institution;

25.1.4 Funeral Establishment

25.1.5 Laundromat;

25.1.6 Medical, Health and Dental Office

25.1.7 Office;

25.1.8 Parking Lot;

25.1.9 Personal Service Shop; and

25.1.10 Retail Store

25.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	600 sq. m (6,458.4 sq ft)	700 sq. m (7,534.7 sq ft)
2	Lot Frontage (Minimum)	18 m (59.1 ft)	18 m (59.1 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)
8	Floor Area (Maximum)	310 sq m (3,336.9 sq ft)	310 sq m (3,336.9 sq ft)

26 HIGHWAY COMMERCIAL ZONE (C-2)

26.1 PERMITTED USES

26.1.1 Uses as permitted in the R-4A Zone subject to the Regulations for Permitted Uses for the R-4A Zone;

26.1.2 Uses permitted in the Institutional (I) Zone, subject to the Regulations for permitted uses for the I Zone;

26.1.3 Commercial Uses permitted in the MUC Zone, including those permitted in the ER-MUVC Zone, subject to the following C-2 regulations.

26.2 REGULATIONS FOR PERMITTED COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	550 sq. m (5,920.3 sq ft)	650 sq. m (6,996.8 sq ft)
2	Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	8 m (26.2 ft)	8 m (26.2 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		8 m (26.2 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

27 SHOPPING CENTRE COMMERCIAL ZONE (C-3)

27.1 PERMITTED USES

27.1.1 Uses as permitted in the R-4A Zone subject to the Regulations for Permitted Uses for the R-4A Zone and excluding the following uses:

a. Semi-detached Dwellings; and

b. Duplex Dwellings.

27.1.2 Uses permitted in the Institutional (I) Zone, subject to the Regulations for permitted uses for the I Zone and excluding the following uses:

a. Community Care Facility; and

b. Nursing Home.

27.1.3 Commercial Uses permitted in the MUC Zone, including those permitted in the ER-MUVC Zone, subject to the following C-3 regulations.

27.2 REGULATIONS FOR PERMITTED COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	1,400 sq. m (15,070 sq ft)	1,400 sq. m (15,070 sq ft)
2	Lot Frontage (Minimum)	45 m (147.6 ft)	45 m (147.6 ft)
3	Front Yard (Minimum)	12 m (39.4 ft)	12 m (39.4 ft)
4	Rear Yard (Minimum)	7.6 m (25 ft), or 12 m (39.4 ft) if abutting a residential Zone	7.6 m (25 ft), or 12 m (39.4 ft) if abutting a residential Zone
5	Side Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

28 DOWNTOWN MIXED-USE ZONE (DMU)

28.1 PERMITTED USES

28.1.1 Uses permitted in the R-4 Zone, subject to the Regulations for Permitted Uses for the R-4 Zone;

28.1.2 Commercial and Institutional Uses permitted in the DMUN Zone;

28.1.3 Club;

28.1.4 Educational Institution;

28.1.5 Entertainment Establishment;

28.1.6 Fire Station;

28.1.7 Grocery Store;

28.1.8 Hostel;

28.1.9 Hotel;

28.1.10 Parking Lot;

28.1.11 Police Station;

28.1.12 Service Repair Establishment;

28.1.13 Shopping Center;

28.1.14 Theatre; and

28.1.15 Veterinary Services.

28.2 REGULATIONS FOR PERMITTED USES

		Interior/Corner Lots
1	Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2	Front and Flankage Yard (Minimum) OR Full Block Developments	Maximum 1.0m (3.3 ft); OR, Within the minimum and maximum range of the Setbacks of existing Buildings on the Block.
3	Front Yard Projections	Maximum 1.5 m (4.9ft); OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear/Side Yard (Minimum)	Not required unless the Side or Rear Yard is abutting a residential property; in which case the minimum Setback shall be equal to the Setback of the Building on the adjacent property from the shared Lot Line, OR 6.0 m (19.7 ft), whichever is less.
1	Height	Maximum 12.0 m (39.4 ft)

29 DOWNTOWN NEIGHBOURHOOD (DN)

29.1 PERMITTED USES

29.1.1 Uses permitted in the R-3 Zone;

29.1.2 Uses permitted in the Parks/Cultural Zone; and

29.1.3 Convenience Store.

29.2 REGULATIONS FOR PERMITTED USES

All permitted uses in the DN Zone are subject to the following regulations:

		Interior/Corner Lots
1	Lot Frontage (Minimum)	
	Any Building type, 3 units or less	10.6 m (34.8 ft)
	Townhouse Dwelling: 4 units or more	6.0 m (19.7 ft) per unit wide
	Apartment Dwelling: 4 units or more	20.0 m (65.6 ft)
	Any other permitted Use	20.0 m (65.6 ft)
2	Front and Flankage Yard (Minimum)	Minimum 2.4 m (7.9 ft) and Maximum 4.9m (16.1 ft); OR, Within the minimum and maximum range of the existing Buildings on the Block.
3	Front Yard Projections	Minimum 1.2 m (3.9 ft) from Front Lot Line, and Maximum 2.4m (7.9 ft) projection; OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear Yard (Minimum)	6.0 m (19.7 ft); OR Within the minimum and maximum range of the existing Buildings on the Block.
5	Side Yard (Minimum)	1.83 m (6.0 ft); OR Equal to the Side Yard Setback of the existing Building on the abutting property, whichever is less.
6	Height	Minimum 7.5 m (24.6ft) Maximum 12.0 m (39.4 ft)

30 DOWNTOWN MIXED USE NEIGHBOURHOOD (DMUN)

30.1 PERMITTED USES

30.1.1 Uses permitted in the Downtown Neighbourhood (DN) Zone;

30.1.2 Uses permitted in the Park/Cultural Zone;

30.1.3 Eating and Drinking Establishment;

30.1.4 Funeral Establishment;

30.1.5 Medical, Health and Dental Office;

30.1.6 Office;

30.1.7 Parking Structure;

30.1.8 Personal Service Shop; and

30.1.9 Retail Store.

30.2 REGULATIONS FOR PERMITTED USES

All permitted uses in the DMUN Zone are subject to the following regulations:

		Interior/Corner Lots
1	Lot Frontage (Minimum)	
	Any Building type, 3 units or less	10.6 m (34.8 ft)
	Townhouse Dwelling: 4 units or more	6.0 m (19.7 ft) per unit wide
	Apartment Dwelling: 4 units or more	20.0 m (65.6 ft)
	Any other permitted Use	20.0 m (65.6 ft)
2	Front and Flankage Yard (Minimum)	Minimum 2.4 m (7.9 ft) and Maximum 4.9m (16.1 ft); OR, Within the minimum and maximum range of the existing Buildings on the Block.
3	Front Yard Projections	Minimum 1.2 m (3.9ft) from street line, and Maximum 2.4m (7.9ft) projection; OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear Yard (Minimum)	6.0 m (19.7 ft); OR Within the minimum and maximum range of the existing Buildings on the Block.
5	Side Yard (Minimum)	1.83 m (6.0 ft); OR Equal to the Side Yard Setback of the existing Building on the abutting property, whichever is less.
6	Height	Minimum 7.5 m (24.6ft) Maximum 12.0 m (39.4 ft)

30.3 BONUS HEIGHT DEVELOPMENT STANDARDS:

30.3.1 Development applications in the DMUN Zone are eligible for a Bonus Height.

30.3.2 Applications for a Bonus Height are subject to the following regulations:

a. A bonus of up to a maximum Building Height of 18.5m (60.7ft).

b. Lot Dimension Requirements:

   i. Minimum Lot Frontage of 30.0m (98.4ft)

c. The portion above the base Building that is a bonus in Height shall be:

   i. A minimum 3.0m (9.8ft) Stepback from the base Building.

   ii. A minimum 5.5m (18ft) Side Yard Setback or Stepback to ensure adequate separation distances of the upper levels from adjacent properties that may also be eligible for a Height bonus.

   iii. A 45-degree angular planes originating from the top of the flank or rear façade of the base Building that faces abutting residential dwellings or within a Downtown Neighbourhood (DN) Zone.

d. Parking Structures are not eligible for a Bonus Height.

30.3.3 Bonus Height applications are subject to the provisions in the Bonus Height Applications Section of this by-law.

31 DOWNTOWN MAIN STREET (DMS)

31.1 PERMITTED USES

31.1.1 Non-residential uses permitted in the DMUN Zone;

31.1.2 Uses permitted in the Park/Cultural Zone;

31.1.3 Apartment Dwellings;

31.1.4 Converted Dwellings;

31.1.5 Educational Institution

31.1.6 Entertainment Establishment;

31.1.7 Fire Station;

31.1.8 Grocery Store;

31.1.9 Hostel;

31.1.10 Hotel;

31.1.11 Police Station;

31.1.12 Service Repair Establishment;

31.1.13 Shopping Center;

31.1.14 Theatre; and

31.1.15 Veterinary Services.

31.2 REGULATIONS FOR PERMITTED USES

All permitted uses in the DMS Zone are subject to the following regulations:

		Interior/Corner Lots
1	Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2	Front and Flankage Yard (Minimum) OR Full Block Developments	Minimum 0 m (0 ft) and Maximum 1.0m (3.3 ft); OR, Within the minimum and maximum range of the Setbacks of existing Buildings on the Block.
3	Front Yard Projections	Maximum 1.5 m (4.9ft); OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear/Side Yard (Minimum)	Not required unless the Side or Rear Yard is abutting a residential, DN or DMU property; in which case the minimum Setback shall be equal to the Setback of the Building on the adjacent property from the shared Lot Line, OR 6.0 m (19.7 ft) whichever is less.

5	Height	Minimum: 7.5 m (24.6ft) Maximum: 15.0 m (49.2 ft)
6	Driveway Access	Only permitted for properties with Lot Frontages of 25m (82 ft) or greater. Corner Lots permitted to provide a rear driveway accessed from the side Street.

31.3 BONUS HEIGHT DEVELOPMENT STANDARDS

31.3.1 Properties in the DC Zone are eligible for a Bonus Height subject to the following regulations:

a. A bonus of up to a maximum Building Height of 32.5m (106.6ft).

b. Lot dimensions:

i. Minimum Lot Frontage of 18.3 m (60 ft) and minimum Lot Depth of 30.m (98.4ft) for a Building Height up to 21.3 m (69.9 ft).

ii. Minimum Lot Frontage of 41 m (135 ft) and minimum Lot Depth of 36m (118ft) for Buildings taller than 21.3 m (69.9 ft).

c. Parking Structures are ineligible for a Bonus Height.

31.3.2 Massing for Buildings up to 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 3.0m (9.8ft) Stepback from the base Building on the front façade.

ii. A minimum 5.5m (18ft) Side Yard Setback or Stepback to ensure adequate separation distances of the upper levels from adjacent properties that may also be eligible for a Height bonus.

iii. A 45-degree angular planes originating from the top of the flank or rear façade of the base Building that faces abutting properties.

31.3.3 Massing for buildings greater than 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 6.0m (19.7ft) Stepback above the base Building or above that portion of the Building that is taller than 21.3 m (69.9 ft) on the front façade.

b. The portion of the Building above 21.3 m (70 ft) shall have:

i. A maximum gross floor plate size of 750 sq m (8,072.9 sq ft);

ii. A minimum 10m (32.8ft) interior Yard Setbacks; and

iii. A maximum 25.0m (82ft) Building width addressing the Street.

31.3.4 Where bonus heights are considered on properties subject to a Landmark View Plane as identified in the *Official Plan,* the additional heights shall not be visible over Province House from the vantage of a pedestrian (1.7m or 5.8ft) facing north on Great George Street at any point between Richmond Street and Dorchester Street.

31.3.5 Bonus Height applications are subject to the provisions in the Bonus Height Applications Section of this by-law.

32 DOWNTOWN CORE (DC)

32.1 PERMITTED USES

32.1.1 Non-residential uses permitted in the DMUN Zone;

32.1.2 Uses permitted in the Park/Cultural Zone;

32.1.3 Apartment Dwellings;

32.1.4 Converted Dwellings;

32.1.5 Educational Institution

32.1.6 Entertainment Establishment;

32.1.7 Fire Station;

32.1.8 Grocery Store;

32.1.9 Hostel;

32.1.10 Hotel;

32.1.11 Lodging House Limited;

32.1.12 Police Station;

32.1.13 Service Repair Establishment;

32.1.14 Shopping Center;

32.1.15 Theatre; and

32.1.16 Veterinary Services.

32.2 REGULATIONS FOR PERMITTED USES

All permitted uses in the DC Zone are subject to the following regulations:

		Interior/Corner Lots
1	Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2	Front and Flankage Yard (Minimum) OR Full Block Developments	Minimum 0 m (0 ft) and Maximum 1.0m (3.3 ft); OR, Within the minimum and maximum range of the Setbacks of existing Buildings on the Block.
3	Front Yard Projections	Maximum 1.5 m (4.9ft); OR Within the minimum and maximum range of the existing Buildings on the Block.
4	Rear/Side Yard (Minimum)	Not required unless the Side or Rear Yard is abutting a residential, DN or DMU property; in which case the minimum Setback shall be equal to the Setback of the Building on the adjacent property

		from the shared Lot Line, OR 6.0 m (19.7 ft) whichever is less.
5	Height	Minimum: 7.5 m (24.6ft) Maximum: 15.0 m (49.2 ft)
6	Driveway Access	Only permitted for properties with Lot Frontages of 25m (82 ft) or greater. Corner Lots permitted to provide a rear driveway accessed from the side Street.

32.3 BONUS HEIGHT DEVELOPMENT STANDARDS

32.3.1 Properties in the DC Zone are eligible for a Bonus Height subject to the following regulations:

a. A bonus of up to a maximum Building Height of 32.5m (106.6ft).

b. Lot dimensions:

i. Minimum Lot Frontage of 18.3 m (60 ft) and minimum Lot Depth of 30.m (98.4ft) for a Building Height up to 21.3 m (69.9 ft).

ii. Minimum Lot Frontage of 41 m (135 ft) and minimum Lot Depth of 36m (118ft) for Buildings taller than 21.3 m (69.9 ft).

c. Parking Structures are ineligible for a Bonus Height.

32.3.2 Massing for Buildings up to 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 3.0m (9.8ft) Stepback from the base Building on the front façade.

ii. A minimum 5.5m (18ft) Side Yard Setback or Stepback to ensure adequate separation distances of the upper levels from adjacent properties that may also be eligible for a Height bonus.

iii. A 45-degree angular planes originating from the top of the flank or rear façade of the base Building that faces abutting properties.

32.3.3 Massing for buildings greater than 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 6.0m (19.7ft) Stepback above the base Building or above that portion of the Building that is taller than 21.3 m (69.9 ft) on the front façade.

b. The portion of the Building above 21.3 m (70 ft) shall have:

i. A maximum gross floor plate size of 750 sq m (8,072.9 sq ft);

ii. A minimum 10m (32.8ft) interior Yard Setbacks; and

iii. A maximum 25.0m (82ft) Building width addressing the Street.

32.3.4 Where bonus heights are considered on properties subject to a Landmark View Plane as identified in the *Official Plan,* the additional heights shall not be visible over Province House from the vantage of a pedestrian (1.7m or 5.8ft) facing north on Great George Street at any point between Richmond Street and Dorchester Street.

32.3.5 Bonus Height applications are subject to the provisions in the Bonus Height Applications Section of this by-law.

33 PARK/ CULTURAL ZONE (PC)

33.1 PERMITTED USES:

33.1.1 Community Building;

33.1.2 Community Institutional;

33.1.3 Cultural Establishment;

33.1.4 Government Office;

33.1.5 Library;

33.1.6 Place of Worship; and

33.1.7 Recreation or Fitness Center (indoors)

33.2 REGULATIONS FOR PERMITTED USES

		Interior/Corner Lots
1	Lot Frontage (Minimum)	930 sq m (10,010.8 sq ft)
2	Front and Flankage Yard (Minimum)	24 m (78.7 ft)
3	Front Yard Projections	7.6 m (24.9 ft)
4	Rear Yard (Minimum)	7.6 m (24.9 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)	76 m (24.9 ft)
7	Height (Maximum)	12.0 m (39.4 ft)

34 WATERFRONT ZONE (WF)

34.1 PERMITTED USES:

34.1.1 All uses as permitted in the Downtown Core (DC) Zone;

34.1.2 Limited Car Rental Operation; and

34.1.3 Marina

34.2 PERMITTED LAND USES AT GRADE ON WALKABLE STREETS:

34.2.1 Only those uses listed below shall be permitted on the ground floor of a Building in the WF Zone immediately abutting a designated Walkable Street (Map C):

a. Eating and Drinking Establishments;

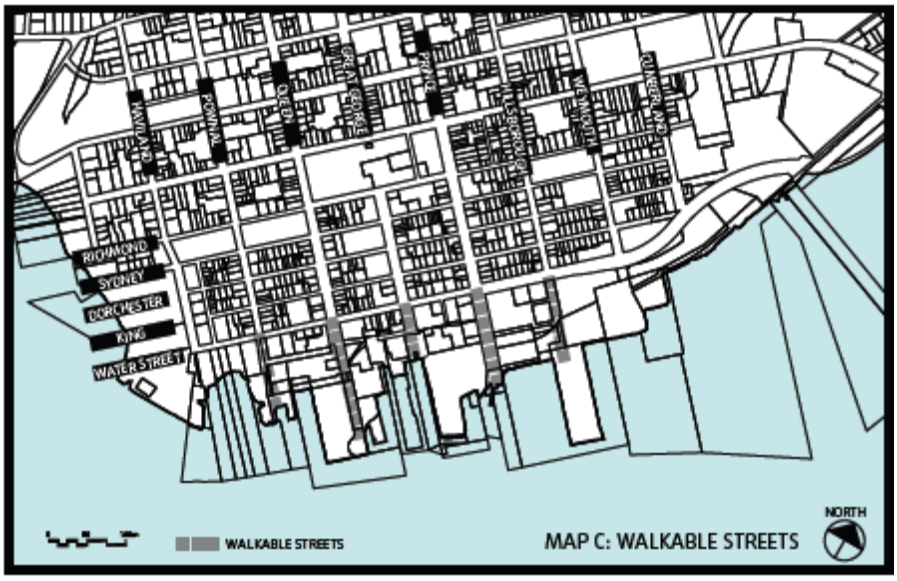
b. Tourism related services including but not limited to, information services, touring services, or personal equipment rentals;

c. Retail Store; and

d. Cultural Establishment;

34.2.2 A minimum of 60% of the ground floor shall be designated to the above uses.

34.2.3 Map C. Walkable Streets

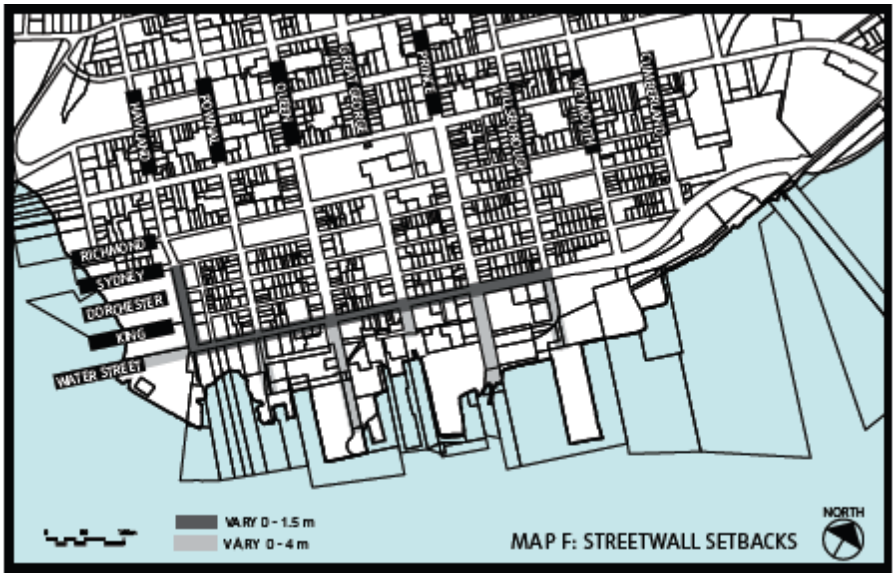


34.3 REGULATIONS FOR PERMITTED USES

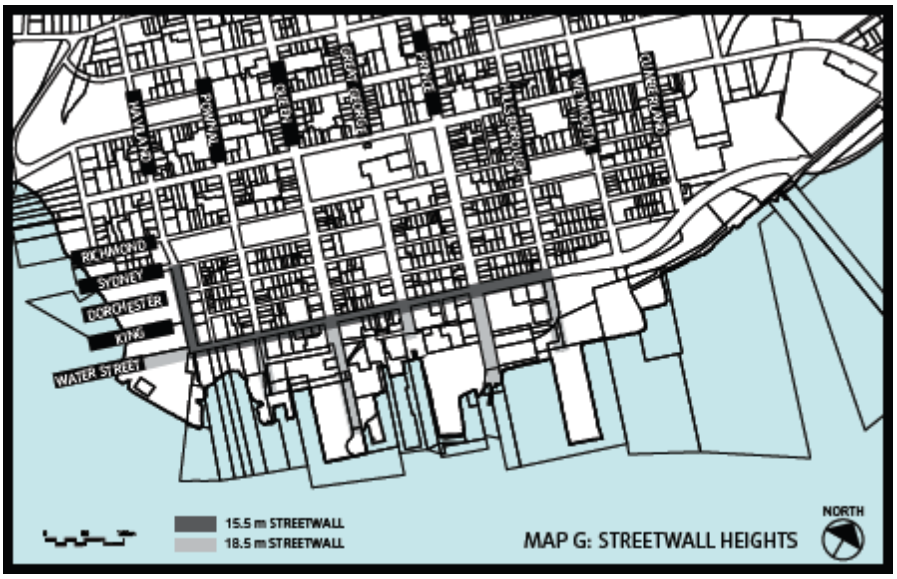
All permitted uses in the WF Zone are subject to the following regulations:

		Interior/Corner Lots
1	Lot Frontage (Minimum)	Minimum 7.62 m (25 ft)
2	Height (See Map D)	Minimum: 10 m (32.3 ft) Maximum: 16.5 m (54.1 ft) properties adjacent to Water St Maximum: 24.5 m (80.4 ft) for all other properties.
3	Front or Flankage Yard (See Map F)	Maximum: 1.5 m (4.9 ft) on Water St Maximum: 4 m (13.1 ft) on all other streets.
4	Rear or Side Yard	A Setback may be permitted but not to exceed 20% of the Lot Width or Lot Depth. *"All buildings shall be setback a minimum of 8m (26.2ft) from the ordinary high water mark."*
5	Streetwall Height (See Map G)	Maximum: 15.5 m (50.9 ft) on Water St Maximum: 16.5 m (54.1 ft) on all other streets
6	Projections	Minimum 1.0 m (3.3 ft) from street line, and Maximum 2.5 m (8.2 ft) projection; OR Within the minimum and maximum range of the existing Buildings on the Block.
7	Building Setback/ Stepback	**Low-Rise Building:** A low-rise building may be setback from the interior lot line. This setback may not exceed 20% of the lot frontage; **Mid-Rise Building:** Massing for mid-rise Buildings with a height above 13 m (42.6 ft) or the height of the streetwall, the mid-rise portion of a building shall be step-back from the interior lot lines no less than 10% of the lot frontage or 5.5m (18ft); whichever is less. Where a lot has more than one streetline, the greater lot width shall be applied."
8	Ground Floor Finished Floor Elevation (FFE)	Minimum 3.76 m CGVD28 (Canadian Geodetic Vertical Datum 1928)

9. Map F. Streetwall Setbacks



10. Map G. Streetwall Heights



34.4 BONUS HEIGHT DEVELOPMENT STANDARDS

34.4.1 Properties in the DWF Zone are eligible for a Bonus Height subject to the following regulations.

a. The maximum Height as specified on Map D may be exceeded to the maximum bonus Height as specified on Map E.

   i. A bonus of up to a maximum Building Height of 24.5m (80.4 ft) for properties fronting on Water St.

ii. A bonus of up to a maximum Building Height of 32.5m (106.6 ft) for all other properties.

b. Parking Structures are ineligible for a Bonus Height.

34.4.2 Massing for buildings up to 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 3.0m (9.8ft) Stepback from the base Building on the front façade.

ii. A minimum 5.5m (18ft) Side Yard Setback or Stepback to ensure adequate separation distances of the upper levels from adjacent properties that may also be eligible for a Height bonus.

iii. A 45-degree angular planes originating from the top of the flank or rear façade of the base Building that faces abutting properties.

34.4.3 Massing for Buildings greater than 21.3 m (69.9 ft):

a. The components above the base Building that are a bonus in Height shall be subject to:

i. A minimum 6.0m (19.7ft) Stepback above the base Building or above that portion of the Building that is taller than 21.3 m (69.9 ft) on the front façade.

b. The portion of the Building above 21.3 m (69.9 ft) shall have:

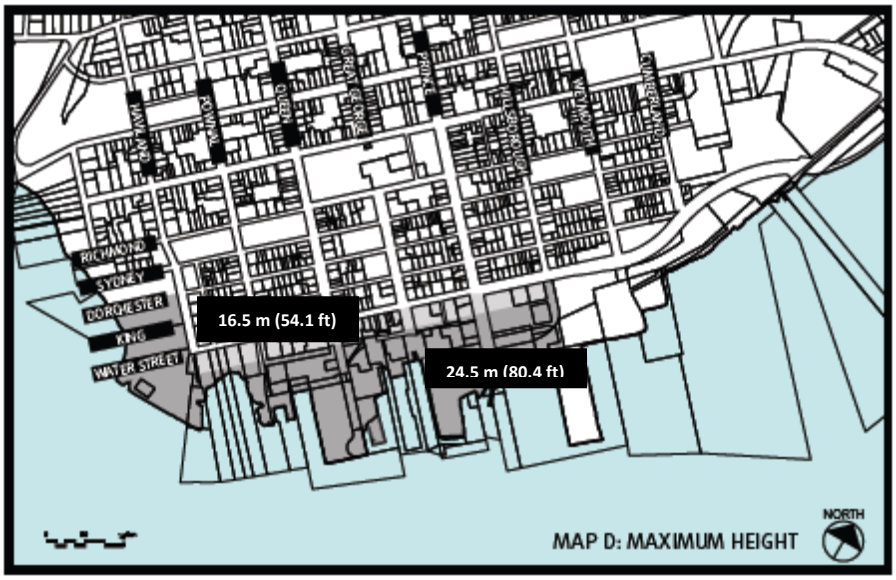
i. A maximum gross floor plate size of 750 sq m (8,072.9 sq ft);

ii. A minimum 10m (32.8 ft) interior Yard Setbacks; and

iii. A maximum 25.0m (82 ft) Building width addressing the Street.

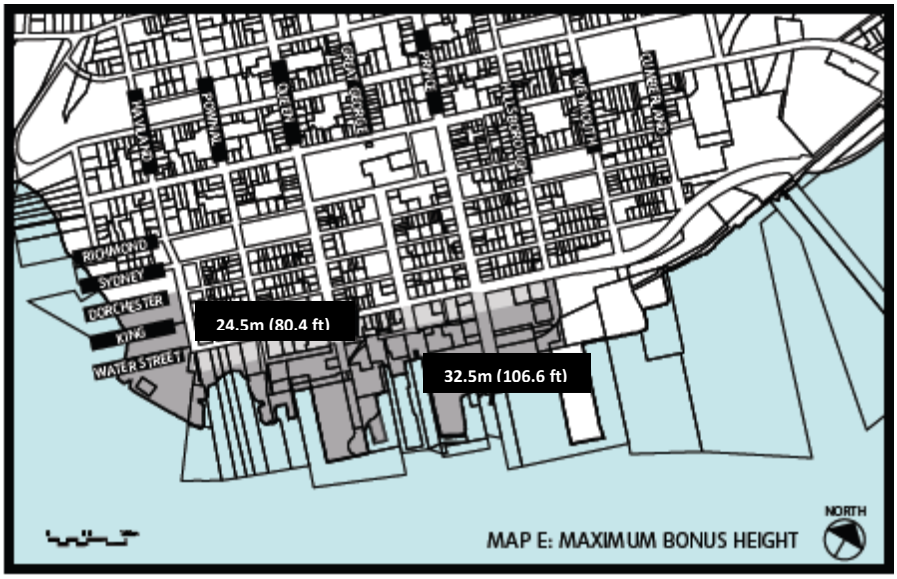
34.4.4 Bonus Height applications are subject to the provisions in the Bonus Height Applications Section of this by-law.

34.4.5 Map D: Maximum Height



34.4.6

34.4.7 Map E: Maximum Bonus Height



34.5 STORM SURGE PROTECTION

34.5.1 The minimum finished floor elevation (FFE) shall not apply to Parking Structures, Accessory Buildings, or any water related Structures

34.5.2 Any existing residential use presently below the required elevation may expand, provided the expansion area satisfies the minimum finished floor elevation (FFE) requirements.

35 PORT ZONE (PZ)

35.1 PERMITTED USES

35.1.1 Marina;

35.1.2 Offices;

35.1.3 Outdoor Storage;

35.1.4 Port Land Uses;

35.1.5 Retail Store;

35.1.6 Transport Terminal; and

35.1.7 Transportation Service.

35.2 BUFFER ZONE REQUIREMENTS

35.2.1 A continuous linear boardwalk connection shall be provided along the waterfront, excluding wharfs and piers.

35.2.2 Development within the Port Zone shall require a Land Use Buffer from adjacent Buildings of no less than 5m (16.4 ft) in width.

35.2.3 Acceptable uses for the Land Use Buffer include boardwalk, linear trail, greenway, or Landscaped Area.

35.2.4 The Land Use Buffer shall be planted with street trees and shrubs at a frequency of one tree for every 8m 26.2 ft) of length along the boundary line.

35.3 REGULATIONS FOR NEW DEVELOPMENT

35.3.1 Any new Building or Development proposed in the Port Zone (PZ) is subject to the Regulations for Permitted Uses for the Waterfront (WF) Zone.

36 LIGHT INDUSTRIAL ZONE (M-1)

36.1 PERMITTED USES

36.1.1 Uses permitted in the MUC Zone, subject to the Regulations for Permitted Uses for the MUC Zone, and excluding residential uses and institutional uses permitted in the MUC Zone.

36.1.2 Animal Shelter;

36.1.3 Automobile Body Shop;

36.1.4 Club;

36.1.5 Commercial Daycare;

36.1.6 Community Building;

36.1.7 Educational Institution;

36.1.8 Feedmill;

36.1.9 Fire Station;

36.1.10 Forestry Related;

36.1.11 Funeral Establishment;

36.1.12 Greenhouse (private, industrial);

36.1.13 Heavy Equipment Repair;

36.1.14 Kennel

36.1.15 Manufacturing, Light;

36.1.16 Medical, Health and Dental Office;

36.1.17 Outdoor Storage;

36.1.18 Place of Worship;

36.1.19 Police Station;

36.1.20 Public Utility Service Operations;

36.1.21 Recreation or Fitness Center (indoors);

36.1.22 Recycling Depot; and

36.1.23 Storage Facility;

36.2 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	800 sq. m (8,611.4 sq ft)	900 sq. m (9,687.5 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.5 m (24.6 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

36.2.1 The Gross Floor Area of any Retail Store and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.

36.2.2 Outdoor Storage of goods or materials shall be permitted only in accordance with the General Provisions for outdoor Commercial or Industrial Uses.

37 HEAVY INDUSTRIAL ZONE (M-2)

37.1 PERMITTED USES

37.1.1 Abattoir;

37.1.2 Automobile Body Shop;

37.1.3 Automobile Sales and Service;

37.1.4 Automobile Service Station;

37.1.5 Bulk Fuel Station;

37.1.6 Equipment Sales, Rental Service;

37.1.7 Extractive Facilities;

37.1.8 Feedmill;

37.1.9 Fire Station;

37.1.10 Forestry Related;

37.1.11 Heavy Equipment Repair;

37.1.12 Kennel;

37.1.13 Manufacturing, Heavy;

37.1.14 Manufacturing, Light;

37.1.15 Marijuana Production Facility;

37.1.16 Office;

37.1.17 Outdoor Storage;

37.1.18 Police Station;

37.1.19 Public Utility Service Operations;

37.1.20 Recycling Depot;

37.1.21 Retail Store

37.1.22 Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility;

37.1.23 Retail Warehouse;

37.1.24 Salvage or Waste Disposal Facility;

37.1.25 Service Repair Establishment;

37.1.26 Storage Facility;

37.1.27 Transport Terminal;

37.1.28 Transportation Services; and

37.1.29 Warehouse and/or Distribution Centre

37.2 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	800 sq. m (8,611.4 sq ft)	900 sq. m (9,687.8 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.5 m (24.6 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

37.2.1 The Gross Floor Area of any Retail Store and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.

37.2.2 Outdoor Storage of goods or materials shall be permitted only in accordance with the General Provisions for outdoor Commercial or Industrial Uses.

38 BUSINESS PARK INDUSTRIAL ZONE (M-3)

38.1 PERMITTED USES

38.1.1 Automobile Body Shop;

38.1.2 Automobile Sales and Services;

38.1.3 Automobile Service Station;

38.1.4 Club;

38.1.5 Commercial Daycare Centre;

38.1.6 Convenience Store;

38.1.7 Cultural Establishment;

38.1.8 Eating and Drinking Establishment;

38.1.9 Educational Institution (private);

38.1.10 Educational Institution (public);

38.1.11 Equipment Sales, Rental Service;

38.1.12 Fire Station;

38.1.13 Garden Centre;

38.1.14 Greenhouse (private industrial);

38.1.15 Hotel;

38.1.16 Kennel;

38.1.17 Manufacturing, Light;

38.1.18 Marijuana Production Facility;

38.1.19 Medical, Health and Dental Office;

38.1.20 Office;

38.1.21 Outdoor Retail Display;

38.1.22 Outdoor Storage;

38.1.23 Parking Lot;

38.1.24 Parking Structure;

38.1.25 Personal Service Shop;

38.1.26 Place of Worship;

38.1.27 Police Station;

38.1.28 Recreation or Fitness Centre (indoors);

38.1.29 Research and Development Facilities;

38.1.30 Retail Store;

38.1.31 Retail Store with connected Retail Warehouse, Light Manufacturing or assembly facility;

38.1.32 Retail Warehouse;

38.1.33 Service Repair Establishment;

38.1.34 Storage Facility;

38.1.35 Transport Terminal;

38.1.36 Transportation Service;

38.1.37 Veterinary Services; and

38.1.38 Warehouse and/or Distribution Center.

38.2 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	600 sq. m (6,458.3 sq ft)	700 sq. m (7,534.7 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.5 m (24.6 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

38.2.1 The Gross Floor Area of any Retail Store and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.

38.2.2 Outdoor Storage of goods or materials shall be permitted only in accordance with the General Provisions for outdoor Commercial or Industrial Uses.

39 AIRPORT ZONE (A)

39.1 PERMITTED USES

39.1.1 Uses permitted in the Business Park Industrial (M-3) Zone, subject to the Regulations for Permitted Uses for the M-3 Zone;

39.1.2 Airport;

39.1.3 Agricultural and Resource Land Uses;

39.1.4 Bulk Fuel Station;

39.1.5 Forestry Related;

39.1.6 Government Offices;

39.1.7 Heavy Equipment Repair; and

39.1.8 Manufacturing, Heavy.

39.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	600 sq. m (6,458.3 sq ft)	700 sq. m (7,534.7 sq ft)
2	Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3	Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4	Rear Yard (Minimum)	10 m (32.8 ft)	10 m (32.8 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.5 m (24.6 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

39.2.1 The Gross Floor Area of any Retail Store and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.

39.2.2 Outdoor Storage of goods or materials shall be permitted only in accordance with the General Provisions for outdoor Commercial or Industrial Uses.

39.2.3 Development in the Airport (A) Zone may be subject to additional regulations of the *Charlottetown Airport Zoning Regulations* (SOR/92-649) under federal authority of the *Aeronautics Act*, R.S.C., 1985, c. A-2 and all amendments thereto.

40 OPEN SPACE ZONE (OS)

40.1 PERMITTED USES

40.1.1 Active Recreation;

40.1.2 Cemetery;

40.1.3 Community Gardens;

40.1.4 Golf Course;

40.1.5 Trail System; and

40.1.6 Ancillary uses to the foregoing

40.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	790 sq. m (8,503.5 sq ft)	790 sq. m (8,503.5 sq ft)
2	Lot Frontage (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
3	Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
4	Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.6 m (24.9 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

41 PARKING ZONE (P)

41.1 PERMITTED USES

41.1.1 Parking Lot; and

41.1.2 Parking Structure.

41.2 REGULATIONS FOR PERMITTED USES

41.2.1 Council may approve a new Parking Structure designed predominantly for Parking of motor vehicles to a maximum Height of 12 m (39.4 ft.);

41.2.2 Where four (4) or more vehicles are required for the land use on a Lot, the following minimum requirements shall apply:

a. The Parking Spaces shall be on a stable surface having a minimum size of 2.75 m (9.0 ft.) wide by 6.1 m (20.0 ft.) in length, with an aisle width of 6.7 m (22.0 ft.) for right angle Parking, 5.49 m (18.0 ft.) for 60° Parking, 3.35 m (11.0 ft.) for 45° or less;

b. The Parking Area shall be on a stable surface (pavement, gravel) to prevent the raising of dust and to prevent tracking materials on to a Street;

c. The Parking Lot shall allow for surface water drainage to a central storm system or Street drainage, Designed so that at no time shall water drain onto adjoining Lots, and the City may require an engineering assessment of the elevations and drainage to be provided.

d. Light used for illumination of the Parking Lot or Parking station shall be arranged so as to direct light away from adjacent Lots;

e. A Buffer, satisfactory to the Development Officer, consisting of a fence or mature trees, or both, shall be provided where a Parking Lot abuts a residential zone or a building occupied for residential use in a commercial zone;

f. The access to the Parking Lot or structure shall be 3 m (9.8 ft.) for one-way traffic and 6.1 m (20.0 ft.) for two-way traffic with a maximum width of access to a public Street to be 7.6 m (24.9 ft.), and individual Parking Spaces shall not have direct access to the Street but shall be Designed for access by way of the common access to the Parking Lot;

g. A structure of not more than 3.66 m (12.0 ft.) in Height and 4.65 sq. m (50.1 sq. ft.) in area may be erected on a Parking Lot for the use of attendants, and it shall be painted and maintained in good condition;

h. No Signs shall be permitted other than directional Signs for traffic and a Sign showing the name of the Owner or the Parking Lot which shall not exceed 1.1 sq. m (11.8 sq. ft.) in area;

i. A scaled drawing shall be submitted showing the Parking Spaces, aisles, Easements, access to the Lot, drainage, buildings, lighting, Signs and other pertinent information that may be required by the Development Officer;

j. Any Parking Space requirement which is calculated to a fraction of one-half or more shall require the provision of an additional Parking Space;

k. A Parking structure may be located in this Zone upon approval of Council after consideration of the following:

   i. traffic and access to the site;

   ii. drainage and services available in the area;

   iii. architectural compatibility of the Parking structure to the neighbourhood;

   iv. impact of a Parking structure on the adjoining residential areas

41.2.3 Council may, at its discretion, call a public meeting to consider input from the public on any proposed Parking Structure.

42 COMPREHENSIVE DEVELOPMENT AREA (CDA)

42.1 PERMITTED USES

42.1.1 Uses permitted in a CDA Zone shall be those approved by Council and may include any uses or mix of uses permitted in any Zone of this by-law and innovative mixed-use Developments

42.1.2 Council shall give due consideration to other sections of this by-law, but Council may approve any use or Development in a CDA Zone which it deems to be in the public interest notwithstanding all other sections of this by-law but only after following the procedures set out in this section.

42.2 DEVELOPMENT CONCEPT PLAN

42.2.1 Development within a CDA Zone shall be subject to the approval by Council of a Development Concept Plan and any attached schedule and the applicable Development Agreement entered.

42.2.2 Appendix B of this by-law comprises a list of approved properties in the CDA Zone and their permitted uses.

42.2.3 No Development consisting of new Buildings or the Demolition or relocation of Buildings shall take place in a CDA Zone until a Development Concept Plan has been proposed and adopted by Council.

42.2.4 The Council, before approving a Development Concept Plan, shall consider the following:

a. The maintenance of design standards of the proposed Buildings and their acceptability with respect to land uses and the character and scale of existing and proposed Development in the vicinity;

b. The quality of architectural design of all proposed Buildings, their compatibility with the architectural character of adjacent Development

c. The preservation of existing site features of unique quality and the preservation of the natural beauty of the area;

d. The proposed type of ownership;

e. The proposed population density of the area, the adequacy of Landscaped Areas, Building form, Parking, pedestrian walkways, Streets, Municipal Services; and

f. Any other factors as recommended by Planning Board.

42.2.5 Applicants for Development approval in the CDA Zone may put forward Development Concept Plans, and such Development Concept Plans, if approved by Council, shall serve as the elements of a Development Concept Plan for the portion of the Zone in which they are situated.

42.2.6 Subsequent to approval of the Development Concept Plan, the working site plan and buildings shall be approved on the recommendation of Planning Board for each Phase within the CDA Zone provided it is, in the opinion of Council, consistent with the overall Development Concept Plan and any schedule attached thereto.

42.2.7 Before Council approves or amends a Development Concept Plan in a CDA Zone, a public meeting shall be called in the same manner, *mutatis mutandis*, as if an amendment to this by-law were being considered.

42.2.8 Changes to a Development Concept Plan that do not change the approved intent of the use or Lot such as minor Additions to a Building, a Lot Subdivision or consolidation will not be considered an amendment to the Development Concept Plan and may be approved by the Development Officer.

42.3 REQUIREMENTS

42.3.1 A Development Concept Plan shall comprise no less than 1.2 hectares (3 acres) in one (1) contiguous area unless it constitutes an expansion of an existing Development Concept Plan.

42.3.2 A Lot that is less than 1.2 hectares (3 acres) and existed prior to the effective date of this by-law may submit a Development Concept Plan.

42.4 AGREEMENTS

42.4.1 Upon approval of the Development Concept Plan by Council, the Development Concept Plan may be accepted by Council resolution as all or part of a Secondary Plan.

42.4.2 The Council shall require the applicant to enter into a Development Agreement incorporating the terms of the Development Concept Plan setting out the responsibilities on the part of the applicant and Council, and Council may require such security as may be acceptable to Council for items as shown on the Building or site plan(s).

43 FUTURE DEVELOPMENT ZONE (FD)

43.1 PERMITTED USES

43.1.1 Agriculture and Resource Land Uses;

43.1.2 Forestry Related; and

43.1.3 One Single-detached Dwelling per Lot with serviced Lot Frontage

43.2 REGULATIONS FOR THE FUTURE DEVELOPMENT (FD) ZONE

43.2.1 The Future Development (FD) Zone is meant to preserve land for future urban Development that has not yet been connected to Municipal Services. A limited number of uses are permitted within the Zone until servicing becomes available and Council deems it appropriate for Development.

43.2.2 A property owner may submit a proposal for Subdivision within the FD Zone. Such a proposal shall be presented in the form of a Development Concept Plan. The Development Concept Plan shall be reviewed to determine if it is an appropriate proposal, based on factors such as:

a. Location of servicing in proximity to the parcel of land;

b. Availability of land currently serviced and ready for Development;

c. Existing and future road networks; and

d. Any other factors Council deems appropriate and necessary in making a determination.

43.2.3 Applications for Subdivision and Development for any land use not listed in the Permitted Uses for this Zone, shall follow the same process for approval as an amendment to this by-law for a Rezoning, OR that process to described for a Development Concept Plan in the Comprehensive Development Area (CDA) Zone.

43.2.4 Council shall require the applicant/landowner to enter into a Development Agreement upon approval of a Development Concept Plan.

43.3 REGULATIONS FOR SINGLE-DETACHED DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	1.6 hectares (4 acres)	1.6 hectares (4 acres)
2	Lot Frontage	46 m (150.9 ft)	46 m (150.9 ft)
3	Front Yard (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
4	Rear Yard (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
5	Side Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
6	Flankage Yard (Minimum)		15 m (49.2 ft)
7	Height (Minimum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

43.4 REGULATIONS FOR AGRICULTURAL BUILDINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	1.6 hectares (4 acres)	1.6 hectares (4 acres)
2	Lot Frontage	46 m (150.9 ft)	46 m (150.9 ft)
3	Front Yard (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
4	Rear Yard (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
5	Side Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
6	Flankage Yard (Minimum)		15 m (49.2 ft)
7	Height (Minimum)	20.0 m (65.6 ft)	20.0 m (65.6 ft)

43.5 ACCESSORY AND SECONDARY USES

43.5.1 Notwithstanding the requirements, the following are permitted as accessory or secondary uses:

a. Secondary Suite;

b. Accessory Building;

c. Home Occupation;

d. Tourist Accommodations;

e. Home Daycare Home; and

f. Garden Suite.

44 GENERAL PROVISIONS FOR PARKING

44.1 PARKING SPACE STANDARDS

44.1.1 A Parking Space Shall have dimensions of not less than 2.6 m (8.5 ft) by 5.5 m (18.0 ft) and Shall have adequate space to Permit access and egress of a motor vehicle to and from a Street by means of a driveway, aisle, or a maneuvering area, and Parking Spaces for trailer trucks, buses, motor homes or other large vehicles which shall be designed with dimensions of 3.7 m (12.1 ft) by 18.3 m (60 ft) or larger, if necessary to accommodate longer vehicles.

44.1.2 For every Building to be Erected, placed or used, or changed in Use for any of the purposes listed in the following table, there shall be provided and maintained off-Street Parking on the same Lot to the minimum extent prescribed by the following table.

44.1.3 A Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 shall be deemed to be a requirement for one (1) additional space.

44.1.4 Renovations and Alterations, which do not result in an increase in the Gross Floor Area of a Building, Shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, Shall not be diminished. New Additions require parking but only the new area use requires additional parking, but the number of spaces which existed prior to the Addition shall not be diminished that is required for the uses in the Building.

44.1.5 The Parking requirements shall not apply where a Building is repaired after a fire or other catastrophe provided that the original number of spaces is available after reconstruction.

44.1.6 Where a Building or Lot Use is used for more than one use:

a. The Development Officer May apply the closest Parking requirement deemed to fit the proposed Use(s) for the purposes of determining the Parking requirements; or

b. The Parking requirements for the site shall be the sum of the parking required for each Use.

44.1.7 Applications for Minor Variances and Major Variances, Shall not apply to the Parking provisions

Use	Minimum Required Parking Spaces
Affordable Housing	0.75 space per Dwelling Unit (subject to the property being "within 500 meters of a public transit stop")
Animal Shelter	1 space for every 28 sq m (301.4 sq ft) of floor space.
Auditorium, arena, hall, stadium, Recreation and Fitness Centers and other places of public assembly	Where there are fixed seats, 1 space for every 5 seats or 3 m (9.8 ft) of bench space; where there are no fixed seats, 1 space for every 19 sq. m (204.5 ft)
Tourist Accommodations, Lodging House	1 space per 3 bedrooms or guest rooms

Business *Office*, *Retail Store*, retail service shop	2 spaces for the first 23.2 sq. m (250 sq ft) of *Floor Area* plus 1 additional space for each additional 25 sq. m (269.1 sq ft) of *Floor Area*.
O*ffice*, *Retail Store*, retail service shop (in the 500 Lot Area)	2 spaces for the first 42 sq. m (450 sq ft) of *Floor Area* plus 1 additional space for each additional 97 sq. m (1,045 sq ft) of *Floor Area*.
Place of Worship, Community Building	1 space per 5 seats or 3 m (9.8 ft) of bench space
Cocktail lounge, tavern or Club	1 space per 3 sq. m (32.3 sq ft) of restaurant dining area and one space per 21 sq. m (226.0 sq ft) of *Floor Area* other than dining area
Cocktail lounge, tavern or Club in the 500 Lot Area	1 space per 4.5 sq. m (48.4 sq ft) of restaurant dining area and one space per 42 sq. m (452.1 sq ft) of Floor Area other than dining area
Community Care Facility	1 space per 3 bedrooms
Community Care Facility in the 500 Lot Area	1 space per 4 bedrooms
Daycare facility	1 space for each employee plus a drop-off area for the children
Dormitory	1 space for every 3 beds or 1 space per unit, whichever is greater
Drive-thru Business	1 space for every 4 sq. m (43.1 sq ft) of dining area plus queuing space as required by this by-law
Dwelling Unit	1 space per *Dwelling Unit*
Dwelling Unit in the 500 Lot Area	1 space per *Dwelling Unit* in a *Building* with three or few *Dwelling Units*; and in a Building with more than three *Dwelling Units* the parking shall be 1 space for every two *Dwelling Units* with no Parking Lot to have less than three Parking Spaces.
Funeral Establishment	A minimum of 15 spaces plus 1 space for each 5 seats
Home Occupation	A minimum of one (1) parking space per one (1) full-time or two part-time employees is required; and for appointment-based home occupations, the required parking will be left to Council's discretion
Hospital	1.25 spaces per bed
Hotel	1 space per guest room or suite;

	1 space for every 21 sq. m (226.0 sq ft) of commercial, *Office* space or public use access; 1 tour bus space may be substituted for vehicle parking for every 18 rooms or suites up to a maximum of 36 rooms or suites.
Industrial or warehousing **Establishment Manufacturing**	1 space for each 23 sq. m (247.6 sq ft) of *Office* space plus 1 space for each additional 25 sq. m (269.1 sq ft) of *Floor Area*. of Manufacturing area plus 1 space for each 93 sq. m (1,000 sq ft) of warehousing area (exclusive of Loading Spaces, truck parking, and *Landscaped* Areas) or 1 space for each employee, whichever is greater
Laundromat	1 space per every 2 machines
Library	Minimum of 10 *Parking Spaces* or 1 space per 93 sq. m (1,000 sq ft) of *Floor Area*, whichever is greater
Marijuana Production Facility	1 space per 200 sq. m (2,152.8 sq.ft.) of Floor area or 1 space per employee per shift, whichever is greater.
Marina	1 space per every 3 boat berths and mooring areas
Medical, Health and Dental Office	6 spaces per practitioner
Cultural Establishment	1 space per 46 sq. m (495.2 sq ft) of Gross Floor Area plus 1 space per employee
Convenience Store	2 spaces for the first 20 sq. m (215 sq ft) of *Floor Area* plus 1 additional space for each additional 20 sq. m of *Floor Area*.
Active Recreation facilities e.g. baseball, soccer, track, tennis	Where there are fixed bleachers, 1 space per 6 seats or 1 space per 1000 sq ft of play area.
Eating and Drinking Establishment	1 space per 4.5 sq. m (48 sq ft) of area allowed for dining (seating and aisles) and one space per 42 sq. m (452.1 sq ft) of *Floor Area* other than dining area
Shopping Centre and Retail Store	4.5 spaces per 93 sq. m (1000 sq ft) Floor Area
School, elementary	1 space for each staff *person* plus 1 space for every 8 teaching classrooms
School, junior high	1 space for each staff *person* plus 1 space for every 4 teaching classrooms
School, senior high	1 space for each staff *person* plus 2 spaces per teaching classroom

Storage Facility	1 space for each 23 sq. m (247.6 sq. ft) of Office space plus 1 space per 200 sq. m (2,152.8 sq. ft) of Floor Area dedicated to storage or 1 parking space per ten (10) storage units, whichever is lesser
Theatre	1 space per 5 seats
University or college	1 space for each staff *person* plus 6 spaces per teaching classroom
All other uses not listed	1 space per 20 sq. m. (215 sq ft) of *Floor Area* or 1 space per 10 seats

44.2 PARKING IN THE 500 LOT AREA - REQUIREMENTS AND CASH-IN-LIEU

44.2.1 Parking requirements for properties located in the 500 Lot Area shall be as follows:

a. New buildings shall require parking in accordance with the table;

b. Renovations, Alterations, changes in use or intensification of use, which do not result in an increase in the Gross Floor Area of more than 390.2 sq m (4,200 sq ft) of a Building, shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, changes in use or intensification of use shall not be diminished;

c. Additions to a Building which are greater than 390.2 sq m (4,200 sq ft) in Gross Floor Area shall require additional Parking Spaces for that portion of the Gross Floor Area which is new and in excess of the first 390.2 sq m (4,200 sq ft), in accordance with the table.

44.2.2 *Cash-in-lieu* of *Parking Spaces* may be accepted for new Development or for an addition to an existing Building in the 500 Lot Area in any situation where:

a. Adequate parking cannot be provided or is unfeasible.

b. Cash-in-lieu of Parking Spaces shall not be applied to cases of a change in use, Alterations, repairs or Renovations in an existing Zone.

c. All funds obtained through the Cash-in-lieu provisions shall be used exclusively for the provision of additional Parking Spaces or facilities in the downtown area.

44.3 STANDARDS FOR MOBILITY DISABLED PARKING SPACES

a. Each reserved Parking Space Shall contain an area of not less than 21.96 sq. m (236.4 sq ft) measuring at least 3.6 m (12 ft) by 6.1 m (20.0 ft).

b. Where the limits of the Parking Lot are defined by a curb, the Parking Lot Shall be provided with a ramped curb as close as possible to the location to an accessible entrance or elevators and in no case, Shall it be further than 50 m (164.0 ft) from the location which it is intended to serve, with the exception of a University or College which has a central campus and perimeter parking already established.

c. Where there is no defined curb each reserved Parking Space Shall be situated as close as possible to the location it is intended to serve.

d. Each reserved Parking Space Shall be clearly identified by a ground Sign.

e. Reserved Parking Spaces for those who are mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

Use	Minimum required spaces:
Medical, Health and Dental Office	1 reserved Parking Space for the mobility disabled per 5-15 Parking Spaces required with 1 additional space for each 15 required spaces or part thereof.
Community Care Facilities	1 reserved Parking Space per 20 beds
Multi-unit Dwellings	1 reserved Parking Space per 5 to 30 units
Restaurants and Theatres	1 reserved Parking Space per 30 to 50 seats.
All other uses	3 reserved Parking Spaces for the mobility of the disabled per 26-100 Parking Spaces required; and, Over 100 Parking Spaces required on a site, 2% of all parking shall be for the disabled.

44.4 UNDERGROUND PARKING

44.4.1 Where there is U*nderground Parking* located within or under the main footprint of a Multi-unit residential Building, the density of units on a Lot may be increased by 20% of the requirements set out for the Zone (# of units x 20% = increase); parking is required for the increased density. A minimum of 75% of parking required for the *Development* must be U*nderground Parking* in order to receive the 20% density bonus.

44.5 PARKING LOTS

44.5.1 Where four (4) or more Parking Spaces are required for the land use on a Lot, the following minimum requirements shall apply:

a. the Parking Spaces shall be on a stable surface having a minimum size of 2.75 m (9.0 ft) wide by 6.1 m (20.0 ft) in length, with an aisle width of 6.7 m (22.0 ft) for right angle Parking, 5.49 m (18.0 ft) for 60° Parking, 3.35 m (11.0 ft) for 45° or less;

b. the Parking area shall be on a stable surface (pavement, gravel) to prevent the raising of dust and to prevent tracking materials on to a Street;

c. the Parking Lot shall allow for surface water drainage to a central storm system or Street drainage, designed so that at no time shall water drain onto adjoining Lots, and the City may require an engineering assessment of the elevations and drainage to be provided.

d. any light used for illumination of the Parking Lot or Parking station shall be arranged so as to direct light away from adjacent Lots;

e. All pedestrian access to the Building from the Parking Lot shall be designed with pedestrian travel routes that minimize hazards and inconvenience to pedestrians, and shall be well marked and maintained;

f. a Land Use Buffer, satisfactory to the Development Officer, consisting of a Fence or mature trees, or both, shall be provided where a Parking Lot abuts a residential Zone or a Building occupied for residential use in a commercial Zone;

44.5.2 The access to the Parking Lot shall be 3 m (9.8 ft) for one-way traffic and 6.1 m (20.0 ft) for two-way traffic with a maximum width of access to a public Street to be 7.6 m (24.9 ft), and individual Parking Spaces shall not have direct access to the Street but shall be designed for access by way of the common access to the Parking Lot;

44.5.3 A Structure of not more than 3.66 m (12.0 ft) in Height and 4.65 sq. m (50.1 sq ft) in area may be erected on a Parking Lot for the use of attendants, and it shall be painted and maintained in good condition;

44.5.4 No Signs shall be permitted other than directional Signs for traffic and a Sign showing the name of the Owner or the Parking Lot which shall not exceed 2 sq. m (21.5 sq ft) in area;

44.5.5 A scaled drawing shall be submitted showing the Parking Spaces, aisles, Easements, access to the Lot, drainage, buildings, lighting, Signs and other pertinent information that may be required by the Development Officer;

44.5.6 Scale drawings drawn to Parking design standards and certified (stamped) by a qualified engineer, architect, or public land surveyor Shall be submitted where there are ten (10) or more Parking Spaces or for less than ten (10) spaces as required by the Development Officer with the application for the Building Permit showing entrances and exits to such Parking facilities, all proposed and Existing Parking Spaces, aisles, lighting, and drainage of the Lot;

44.5.7 where a Parking Lot is in or abuts a residential property or residential Zone, and the Lot contains more than four (4) Parking Spaces, a Land Use Buffer of at least 1.0 m (3.3 ft) in Height Shall be planted at least 1.0 m (3.3 ft) wide in from the Lot Line on the property for which application is made and Shall be maintained in a healthy growing condition by the Owner. In addition to or instead of a Land Use Buffer, the Development Officer May require an opaque-type Fence;

44.5.8 The maximum width of the driveway or access to a Lot Shall be 8 m (26.2 ft) unless otherwise required due to particularly high traffic levels, where the Development Officer may approve such an increase upon review by the Police and Public Works Departments, to accommodate a central turning lane that has been designed and certified by a qualified engineer; and

44.5.9 the City May, where for safety reasons due to traffic volumes and the number of Existing access points to an arterial or collector Street, require adjoining property Owners to share the access to their Lots and Parking, or the City May refuse a new access to a Lot.

44.6 LOCATION OF PARKING FACILITIES

44.6.1 Parking Spaces for residential properties shall:

a. Be exclusive of the Front Yard for any Building containing more than three (3) units;

b. Not be situated within 1.5 m (4.9 ft) of any door or window serving as a bedroom;

44.6.2 Council May Permit parking in the required Front Yard Setback of a Townhouse Dwelling, a Block Townhouse Dwelling or a Stacked Townhouse Dwelling provided such Front Yard does not front on a collector or arterial Street.

44.6.3 No driveway or access to a parking lot for residential properties shall:

a. Occupy more than 40% of the Front Yard;

b. Occupy more than 40% of the Flankage Yard on a corner lot; and

c. Occupy more than 40% of the Lot Frontage up to a maximum of 30 ft.

44.6.4 Parking in the Front Yard is limited to the driveway only and is not permitted on the remaining Front Yard area/ landscaped area.

44.7 SHARED PARKING

44.7.1 The Development Officer is authorized to approve Shared parking facilities, subject to the following standards;

a. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.

b. Accessible Parking Spaces (for persons with disabilities) may not be shared and must be located on-site.

c. Up to 10% of required Parking Spaces for any use may be used jointly by a temporary commercial use.

d. Applicants must provide a shared parking agreement executed by the parties establishing the shared Parking Spaces. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this by-law**.**

44.7.2 Shared Parking for Different Categories of uses: A use may share parking with a different category of use according to only one of the following:

a. If an Office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to 20%, provided that the reduction does not exceed the minimum parking requirements for the Office use.

b. If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, eating and drinking establishments and entertainment-related uses) the parking requirement for the residential use may be reduced by up to 30%, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.

c. If an Office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the Office use.

44.7.3 Shared Parking for uses with Different Hours of Operation

a. For the purposes of this section, the following uses are considered daytime uses:
   i. customer service and administrative Offices;
   ii. retail sales uses, except eating and drinking establishments, lodging uses, and entertainment-related uses;
   iii. Educational Institution with 90% of courses or activities offered during the normal business hours;
   iv. warehousing, wholesaling, and freight movement uses;
   v. Manufacturing, production and industrial service uses; and
   vi. Other similar primarily daytime uses, as determined by the Development Officer.

b. For the purposes of this section, the following uses are considered nighttime or Sunday uses:
   i. auditoriums necessary to public or private schools;
   ii. Place of Worship;
   iii. entertainment-related uses, such as Theatres, bowling alleys, and dance halls; and,
   iv. other similar primarily nighttime or Sunday uses, as determined by the Development Officer.

c. Up to 90% of the parking required by this by-law for a daytime use may be supplied by the off-street parking provided for a nighttime or Sunday use and vice-versa, when authorized by the Development Officer.

d. The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.

e. The Development Agreement between parties shall include such items as the following; each Parking Space shall be useable by all parkers i.e. no restrictions; and, shall be marked as parking for the uses as per their agreement strategy included to guide parkers to all spaces and separation of parkers who compete for the spaces on the Lot or in the facility when it is not their turn or time.

f. Council may approve other uses or times provided the City's Parking Committee makes a recommendation on alternate shared parking to what is prescribed hereunder;

44.7.4 Temporary Shared Parking: Council may upon a recommendation of Planning Board with input by the traffic authority and/or public works of the City, Permit by resolution, temporary use of land for shared parking provided;

a. The temporary use of land in any Zone for shared parking shall only be for a period of up to one year (but which may be extended once for an additional 6 months).

b. There is a viable plan for permanent parking or permanent shared parking developed by the applicant

c. The applicant must enter into an agreement with the City that parking will be provided as per this by-law for permanent parking within a specified time frame but in no case more than eighteen months from the date of the agreement.

d. The temporary parking is designed to meet the requirements this by-law for design of a Parking Lot and is stamped and signed by a qualified engineer for drainage and design.

44.8 QUEUING SPACE

44.8.1 Queuing spaces shall be provided in accordance with the following requirements:

a. Car Wash:

i. five (5) in-bound queuing spaces Shall be provided the first bay and three (3) spaces for each additional bays; and

ii. out-bound queuing space Shall be provided on the exit side of each service position and this space Shall be located so as not to interfere with service to the next vehicle.

b. Drive-thru Eating and Drinking Establishment:

i. Council shall determine stacking requirements after receiving input from the Police and Public Works Departments and/or from a traffic consultant.

c. Automobile Service Station:

i. four (4) in-bound spaces Shall be provided; and

ii. three (3) out-bound spaces Shall be provided.

44.8.2 All queuing spaces shall be a minimum of 6.5 m (21.3 ft) long and 3.0 m (9.8 ft) wide, and queuing lanes Shall provide sufficient space for turning and maneuvering and shall not occupy any portion of a Designated fire lane.

44.9 LOADING AND UNLOADING FACILITIES

44.9.1 One (1) off-Street Loading Space Shall be provided for every 1,858 sq. m (20,000 sq ft), or fraction thereof, of Gross Floor Area whenever a Building is Erected, placed, or converted for Manufacturing, storage, Warehouse, retail, or any purpose involving the Use of vehicles for the receipt or distribution of materials or merchandise.

44.9.2 Council May, after receiving a recommendation from the Planning Board, waive the Loading Space requirement.

44.9.3 Each Loading Space Shall be at least 3.0 m (9.8 ft) by 9.0 m (29.5 ft).

44.9.4 Loading Space areas, including driveways leading thereto, Shall be constructed of and maintained with a suitable surface which is treated so as to prevent the raising of dust or loose particles.

44.10 PARKING STRUCTURES

44.10.1 A Parking Structure shall have a maximum Height of 12 m (39.4 ft).

44.10.2 The following requirements shall apply to Parking Structures in the Waterfront Zone:

a. Parking Structures shall provide a Streetwall as specified on the Streetwall Height Map (Map G), and in no case shall the Streetwall Height be less than 8m (26.2 ft).

b. Rooftop parking and mechanical equipment shall be visually obscured from the street through the use of architectural features.

44.11 PARKING SURFACE LOTS – WATERFRONT (WF) ZONE

44.11.1 Surface Parking Lots shall be located in the Rear or Side Yard.

44.11.2 Surface Parking Lots shall be hard surface with asphalt, concrete, or pavers, and delineated by concrete curbing.

44.11.3 All parking stalls and drive aisles shall be delineated by painted lines or pavers.

44.11.4 Any Parking Lot visible from a street shall have a Land Use Buffer of no less than 2.0 m width between the street and the Parking Lot, exclusive of driveway access. A minimum Land Use Buffer of 1.5m shall be provided along all other Lot Lines.

44.11.5 Accepted uses within the Land Use Buffer include grassed areas with shrubs and trees, or planters. Shrubs should obtain a minimum of 1.0m (3.3 ft) in Height, to reduce glare from headlights, and shall be provided at a frequency of 1 shrub for every 2 m (6.6 ft) of Rear and Side Yard Lot Line. Trees shall be a minimum of 50mm caliper in size, and shall be provided at a frequency of one tree for every 4.5m (14.8 ft) of length abutting a Street.

44.11.6 Parking spaces shall not be immediately adjacent to doors or passages from Buildings.

44.11.7 Parking between the Street and Building is prohibited.

44.12 BICYCLE PARKING – WATERFRONT (WF) ZONE

44.12.1 This section applies to new Development within the Downtown Waterfront Zone (DWF).

44.12.2 The minimum and maximum number of required bicycle Parking Spaces shall be as follows:

Use	Bicycle Parking Requirement	
Multi-unit Dwelling	0.5 spaces per unit	80% class A, 20% class B
Hotels	1 space/ 30 rooms	80% class A, 20% class B
Commercial/Office	1 space/ 500 sq m GFA	80% class A, 20% class B
Entertainment Establishment	1 space/ 25 seats	20% class A, 80% class B
Institutional uses	1 space/ 250 sq m GFA	20% class A, 80% class B
Parking Structure	1 space/ 20 parking stalls	Maximum of 50 spaces
Any other uses	1 space/ 500 sq m GFA	50% class A, 50% class B

44.12.3 Class A Bicycle Parking means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages. Class A Bicycle Parking shall be:

a. Located within 50 m (164 ft) of the Building's primary entrance.

b. Highly visible and well lit, at ground level or monitored by constant security cameras.

c. Directional Signage shall be provided.

d. Parking spaces shall have a minimum overhead clearance of 2 m (6.6 ft).

e. Parking stalls shall be no less than 0.6 m (2 ft) long and 1.2 m (3.9 ft) high, and have an associated aisle of 1.5m in width. Door openings shall have an opening of 0.6 m (2 ft).

44.12.4 Class B Bicycle Parking means bicycle racks, including wall mounted varieties, which allow for the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact. Class B Bicycle Parking Shall be:

a. Located within 200m (656 ft) of the Building's primary entrance.

b. No less than 0.6 m (2 ft) long and 1.2 m (3.9 ft) high, and have an associated aisle of 1.5m in width.

c. Bicycles should be supported at all times by a minimum of two attachment points.

45 GENERAL PROVISIONS FOR SIGNAGE

45.1 GENERAL

45.1.1 Signs, and parts thereof, shall not be erected, placed, displayed, altered, or relocated on private or public property unless a Sign Permit has been issued or the Sign in question exempt as per the provisions of this section.

45.1.2 A Sign Permit shall not be issued for a Sign unless:

a. The Sign adheres to the provisions of this by-law; and

b. A Development Permit has previously been issued for the construction of the Building and land use for the subject Business Premise;

45.1.3 Signs, and parts thereof, shall be maintained in a good state of repair so that they do not pose a hazard to public health or safety, or become unsightly;

45.1.4 Normal Sign Maintenance, including the refurbishment of existing Signs, replacement of Sign elements with identical features, and repair of structural members or lighting shall not require a Sign Permit, however, such work shall be carried out in accordance with the provisions of this by-law;

45.1.5 Signs that are not specifically addressed in this by-law shall be prohibited; and

45.1.6 The Sign owner and property owner shall be liable for all Signs and parts thereof. The City is indemnified from all claims for damages, injury, loss, or expense arising from the approval, erection, Maintenance, removal or falling of a Sign, and parts thereof, on private property.

45.2 SIGNS PERMITTED WITHOUT A SIGN PERMIT

45.2.1 The following Signs are permitted without the issuance of a Sign Permit:

a. Signs identifying the name and/or address of a resident, up to a maximum Sign Area of 0.2sq m (2.2sq ft);

b. Signs regulating the use of a property, such as no trespassing, for rent, or warning Signs, up to a maximum Sign Area of 0.2sq m (2.2sq ft);

c. Non-illuminated Real Estate Signs, up to a maximum Sign Area of:

   i. 0.6sq m (6.5sq ft) in a residential Zone or the Downtown Neighbourhood (DN) Zone;

   ii. 3sq m (32.3sq ft) in a residential Zone when the Sign advertises five or more lots in the same subdivision; and

   iii. 1.4sq m (15.1sq ft) in all other Zones;

d. Signs associated with a municipal, provincial, or federal election, up to a maximum Sign Area of 3sq m (32.3sq ft). Such Signs may be erected 30 days prior to the election and shall be removed within 7 days following the election;

e. Signs identifying hazardous or dangerous areas, or the storage of potentially hazardous materials, up to a maximum Sign Area of 0.6sq m (6.5sq ft);

f. One Building Identification Sign denoting the name and/or erection date of a Building, which has been incorporated into the Building's original construction materials;

g. Signs painted on a Mobile Canteen;

h. Any flag, insignia, or bulletin board erected on-site by a Government Body, charitable organization, religious organization, or a fraternal organization, up to a maximum Sign Area of 1.7sq m (18.3sq ft);

i. Memorial Signs or historical plaques denoting the heritage Significance of a Building, Structure, or place that are issued by a Government Body;

j. Signs erected or authorized by a Government Body for the purpose of maintaining public safety and welfare, or is pursuant to any government function, law, by-law, or other regulation;

k. Signs erected or authorized by the City in connection with public conveniences, including but not limited to Signs on buses, bus stop shelters, or similar Structures;

l. Signs erected or authorized by the City for pedestrian or vehicular safety, including but not limited to Parking Lots, street names, way finding, trails, or active transportation corridors;

m. Entrance identification Signs placed over, adjacent to, or on a Building entrance, including but not limited to a service entrance, sales entrance, or Loading Spaces;

n. Signs placed at the head of a driveway to identify points of access / egress, not include any advertising aside from a corporate logo, are permitted on:
    a) Properties in an institutional zone which are 7.0 acres or greater in lot area, provided that:
        i. The maximum Sign Area is 2.97 sq.m (32 sq.ft);
        ii. The maximum height is 2.74m (9 ft); and
        iii. The Sign shall be setback a minimum of 1 m (3.3 ft) from the property line or a building.
    b) Properties in all other zones and in an institutional zone which are less than 7.0 acres in lot area, provided that:
        i. The maximum Sign Area is 0.5sq.m (5.4sq.ft); and
        ii. The maximum height is 1.22m (4 ft).
        iii. The Sign shall be setback a minimum of 1 m (3.3 ft) from the property line or a building.

o. Signs facilitating the movement of pedestrians or vehicles on-site, or denoting the location or function of a Building, Parking Lot, or traffic lane, up to a maximum Sign Area of 0.37sq m (4sq ft) and a maximum Height or 1.22m (4ft);

p. Non-illuminated Window Signs provided that the Sign covers a maximum of 30% of the window upon which it is attached;

q. One Menu Sign, up to a maximum Sign Area of 0.37sq m (4sq ft), may be mounted to the façade of an eating and drinking establishment;

r. Menu Signs associated with Drive-through Businesses;

s. Two Construction Signs, up to a maximum Sign Area of 3sq m (32.3sq ft) and a maximum Height of 2m (6.6ft);

t. Banners advertising a event and grand opening for a Business Premise outside of residential Zones and the Downtown Neighbourhood (DN) Zone, provided that:

   i. There are a maximum of two Banners per property;

   ii. Banners are a maximum of 2sq m (21.5sq ft) in area per face;

   iii. Banners are securely attached parallel to a Building wall, or to a supporting Structure(s);

   iv. Banners do not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and

   v. Banners are not erected for more than 7 consecutive days. Banners exceeding this timeframe shall be subject to Section 5.16; and

u. Feather Banners outside of the 500 Lot Area and residential Zones, provided that:

   i. There are a maximum of four Feather Banners per Lot Frontage;

   ii. All Feather Banners shall be placed a minimum of 1.83m (6ft) apart from each other along the Lot Frontage;

   iii. Feather Banners have a maximum width of 0.76m (2.5ft) and a maximum Height of 3.7m (12.1ft) in Height;

   iv. Feather Banners are securely attached to the ground or a solid base;

   v. Feather Banners do not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and

   vi. Feather Banners are not erected for more than 30 consecutive days and 60 days within a calendar year.

v. A non-illuminated Fascia Sign, up to a maximum Sign Area of 0.45sq m (4.8sq ft), may be erected for a Home Occupation, Home Daycare, Tourist Accommodations, in accordance with the general provisions, and unless the property is a Designated Heritage Resource in which case a Permit is required.

45.3 PROHIBITED SIGNS

45.3.1 The following Signs are strictly prohibited:

a. Signs posing a hazard to public safety or health, including Signs that were previously approved by a Development Officer, but have become hazardous due to inadequate Maintenance;

b. Signs painted on or attached to a Fence, utility pole, bench, tree, rock, or any other natural object.

c. Signs painted on or attached to a parked vehicle or trailer not normally used in the day-to-day activity of a Business Premise that is visible from a Street;

d. Signs obstructing a window, fire escape, required exit, doorway, or any other Building opening intended as a means of ingress or egress;

e. Signs obstructing the Sight Triangle Area;

f. Signs, which by reason of location, design, content, colouring, or manner of illumination:

   i. Create a hazard to the safe and efficient movement of vehicular or pedestrian traffic; or

   ii. May be confused with, or obstruct the effectiveness of official traffic Signs, Signals, or devices.

g. Signs located on a public Right-of-way, unless it is erected by a Government Body or it has been approved by a Development Officer in accordance with this by-law;

h. Signs emitting sounds (unless associated with a Drive-through Business), odors, gases, or liquids;

i. Signs that project a business name, image, or advertisement onto a Building or any other surface from a source external to the Sign;

j. Signs displaying obscene content;

k. Abandoned Signs;

l. Animated Signs and Video Signs;

m. Billboard Signs and Off-premise Signs, excluding Off-premise Signs for Special Events;

n. Flashing Signs, or any Sign that incorporates kinetic or pulsating illumination;

o. Mobile Signs;

p. Murals or any Sign painted upon a Building or Structure in the 500 Lot Area, unless it has been reviewed by the Arts Advisory Board and approved by Council through the Major Variance process;

q. Roof Signs, or any Sign that is mounted on, or extends above the eaves or parapet of a Building;

r. Rotating Signs; and

s. Sequential Signs.

45.4 NON-CONFORMING SIGNS

45.4.1 A Sign that is lawfully in existence at the effective date of this by-law, although the Sign does not conform to the provisions of this by-law, may continue to be used as a Non-conforming Sign;

45.4.2 Non-conforming Signs may be replaced by an identical Sign. A component of a Non-conforming Sign may also be replaced with an identical component;

45.4.3 The Reader Board component of a Non-conforming Sign may be replaced with an Electronic Sign if it adheres to the by-law requirements; and

45.4.4 Non-conforming Signs shall not be Altered, redesigned, or relocated unless:

a. Alterations comply with this by-law; or

b. The total Sign Area is reduced by a minimum of 25%.

45.5 SIGN PERMIT APPLICATION

45.5.1 A Sign Permit application shall contain the following information before a Sign Permit may be issued:

a. A completed Sign Permit application and a paid application fee, in accordance with Council's approved schedule of fees;

b. Written authorization from, and the contact information of the property owner;

c. Scaled drawings illustrating the type, dimensions, Sign Area, colour, finishing material, and supporting Structures of all proposed Signs and/or Sign modifications that are prepared by a qualified professional;

d. Applications for Signs and/or Banners that are attached to a wall, shall include elevation drawings of the Building wall illustrating the Height and length of the wall, placement of windows, location of the proposed Sign, and the Clearance distance from the ground;

e. Applications for Free Standing Signs shall include elevation drawings illustrating the Sign's design and the Clearance between the ground and the Sign;

f. Applications for Free Standing Signs, Sandwich Board Signs, and Banners attached to the ground shall include a site plan of the subject property, illustrating the location of existing buildings and Structures, property lines, Signs, driveways, Parking Lots, and other site characteristics in relation to property lines. Accurate measurements shall also be provided;

g. Applications for temporary Signs shall include the dates during which the Sign will be erected;

h. Applications for Electronic Signs shall include a Signed letter from the Sign manufacturer stating that the Sign is equipped to comply with the general provisions of this by-law;

i. Any additional information that a Development Officer or Heritage Officer deems relevant to the issuance of a Sign Permit for a Sign;

45.5.2 A Sign Permit application shall not be approved when:

a. The proposed Sign does not adhere to the provisions of this by-law; and

b. The proposed Sign is to be erected on a property containing an existing Sign that does not comply with this by-law;

45.5.3 An issued Sign Permit shall be valid for one year. If the approved Sign is not erected within one year, the Permit shall become null and void; and

45.5.4 A non-complete application will be held for a 3 month period, at which point the application shall become null and void.

45.6 SIGN ENFORCEMENT

45.6.1 A Development Officer may enter any parcel of land during the City's office hours in order to inspect a Sign to determine its compliance with this by-law;

45.6.2 Where a Development Officer is aware that a Sign has been erected prior to the issuance of a Sign Permit, he/she will provide notice to the owner, instructing them to submit a completed Building Permit application immediately;

45.6.3 A Development Officer shall provide notice to the owner of a Sign and/or property upon which a Sign is placed, instructing them to remove said Sign when:

a. A Sign is not permitted, in accordance with the provisions of this by-law;

b. A Sign and/or property owner has received notice and failed to submit a Sign Permit application for an illegally erected Sign in a reasonable period of time;

c. A Sign, for which a Sign Permit was previously issued, now violates the conditions of the issued Sign Permit;

d. A temporary Sign has exceeded the maximum duration specified by this by-law, the conditions of a Sign Permit, and/or resolution of Council; and

e. A Sign poses a hazard to public health and safety, has fallen into disrepair, or has become unsightly, as determined by a Development Officer or By-law Enforcement Officer; and

45.7 RESIDENTIAL & INDUSTIRAL IDENTIFICATION SIGNS

45.7.1 A residential neighbourhood, multi-unit residential Dwelling exceeding five units, or farm may have one Free Standing Sign that identifies the entrance and/or name of the Development, up to a maximum Sign Area of 2.5sq m (26.9sq ft) and a maximum Height of 2m (6.6ft); and

45.7.2 An industrial park may have one Free Standing Sign that identifies the entrance and/or name of the Development, up to a maximum Sign Area of 3.9sq m (42sq ft) and a maximum Height of 3.7m (12.1ft).

45.8 NUMBER OF PERMITTED COMMERCIAL SIGNS

45.8.1 Outside of residential Zones and the Downtown Neighbourhood (DN) Zone, the following commercial Signs are permitted per Business Premise, in accordance with the Sign dimensions and general provisions outlined in the following tables:

a. Fascia Signs up to a maximum Sign Area as specified in the table;

b. A maximum of two additional Signs comprised of the following options:

i. Awning / Canopy Signs;

ii. Projecting Wall Sign;

iii. One Free Standing Sign; or

iv. One Sandwich Board Sign;

c. The number of Temporary Banners, Feather Banners, Temporary Miscellaneous Signs, Temporary Posters, and Off-premise Signs for Special Events shall be regulated;

45.8.2 A permitted Business Premise in a residential Zones, or a legal non-conforming use in a residential Zone including the Downtown Neighbourhood (DN) Zone may erect one of the following non-illuminated Signs:

a. A Fascia Sign, up to a maximum Sign Area of 1sq m (10.8sq ft)

b. A Free Standing Sign**,** up to a maximum Sign Area of 1sq m (10.8sq ft) per Sign Face and a maximum Height of 1.5m (5ft);

45.9 SIGN PROVISIONS FOR PROPERTIES IN THE COMPREHENSIVE DEVELOPMENT AREA (CDA) ZONE

45.9.1 When a Business Premise is located in the Comprehensive Development Area (CDA) Zone, the permitted Sign Area shall be determined during the Development Agreement process and specified in said Development Agreement.

45.10 AWNING / CANOPY SIGNS

45.10.1 Awning / Canopy Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
500 Lot Area (Excluding DN Zone)	Sign Area shall not exceed 40% of the Awning / Canopy upon which it is attached.	Signs shall be affixed to, or painted on an Awning / Canopy that is securely attached to a Building wall that abuts a street; Signs shall be attached to an Awning / Canopy that extends a maximum of 1m (3.3ft) over a sidewalk or public Right-of-way; Signs shall be attached to an Awning / Canopy that is located below the bottom of the second Storey windows; Signs shall be centred on the front flange of the Awning / Canopy; Signs shall be attached to an Awning / Canopy that provides a minimum Clearance of 2.2m (7.2ft) over a sidewalk and 3m (9.8ft) over a Parking Space or traffic lane; The owner of a Sign that extends over a public Right-of-way shall: Carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and Enter into an encroachment agreement with the City to Permit said Sign; and Signs erected in the 500 Lot Area or on a Heritage Resource shall adhere to the Sign design criteria.
Any other Mixed Use Residential/ Commercial, Institutional, Open Space or Employment/ Industrial Zone	Sign Area shall not exceed 60% of the Awning / Canopy upon which it is attached.	

45.11 **PROJECTING SIGNS**

45.11.1 Projecting Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
500 Lot Area (Excluding DN Zone)	Sign Area shall not exceed 1sq m (10.8sq ft) per Sign Face.	Signs shall have a maximum of two parallel Sign Faces; Signs shall be erected on a Building wall that abuts a street or the Business Premise's interior Parking Lot; Signs shall have a minimum Clearance of 2.2m (7.2ft) from the ground; Signs and their supporting Structures shall extend a maximum of 1.1m (3.6ft) from the Building wall. No Sign shall extend over a side property line or the roof of a Building; Supporting Structures shall be designed in proportion to the size of the Sign; The owner of a Sign that extends over a public Right-of-way shall: Carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and Enter into an encroachment agreement with the City.
Any other Mixed Use Residential/ Commercial, Institutional, Open Space or Employment/ Industrial Zone	Sign Area shall not exceed 2sq m (21.5sq ft) per Sign Face. When erected on a designated heritage resource, Sign Area shall not exceed 1sq m (10.8sq ft) per Sign Face.	

45.12 **FASCIA SIGNS**

45.12.1 In a multi-tenant Building where Business Premises are clearly divided and have a usable ground-floor storefront, Sign Area shall be calculated using the length of the Building wall occupied by the subject Business Premise;

45.12.2 In a multi-tenant Building where Business Premises are not clearly divided and lack a usable ground-floor storefront, Sign Area shall be calculated for the entire Building. In these instances, the property owner shall determine which usable Sign Area is allocated to each Business Premise;

45.12.3 Illuminated Window Signs and non-illuminated Window Signs covering more than 30% of the window upon which they are attached shall be regulated as Fascia Signs and occupy part of the permitted Sign Area; and

45.12.4 Fascia Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
DMUN Zone	Sign Area shall not exceed 0.30sq m per linear meter (1.0 sq ft per linear foot) of the Building wall upon which the Sign is erected.	Signs shall be erected on a Building wall that abuts a public street. If a Business Premise is located on a Corner Lot, Signs may be erected on each façade of the building adjacent to a street or in the instance of a Shopping Centre, Signs may also be erected on one wall that abuts an interior Parking Lot; Buildings that are four stories and higher that are located in the DC, DMS, PC AND WF Zones and situated within 60 metres of the intersection of two public streets can also erect signage on the building façade above the fourth floor facing either or both public streets provided they meet all other provisions of the sign by-law with regard to maximum sign face area permitted on the building; Signs shall be erected on a maximum of three Building walls, in accordance with Section 5.12.4.a; Signs shall be erected parallel to a wall; Signs shall not project more than 0.31m (1ft) from the wall upon which it is erected; Signs shall not extend beyond the extremities of the wall upon which it is erected; Signs shall be erected below the bottom of the second Storey windows; unless the Building is four or more stories in Height then additional fascia signage may be located above the top floor windows provided that the maximum allowable Sign Area for the Building wall will not be exceeded. In the event that the building includes a stepback above the fourth floor, additional fascia signage may also be located at the top of the four storey streetwall, below the stepback, provided that the maximum allowable Sign Area for the Building wall will not be exceeded. Signs erected in the 500 Lot Area or on a Heritage Resource shall not exceed 1.21m (4ft) in the vertical dimension.
DC Zone **DMS Zone** **PC Zone** **WF Zone**	Sign Area shall not exceed 0.38sq m per linear meter (1.25sq ft per linear foot) of the Building wall upon which the Sign is erected.	
C-1 Zone **DMU Zone** **I Zone** **MUC Zone** **OS Zone** **P Zone** **PZ Zone**	Sign Area shall not exceed 0.46sq m per linear meter (1.5sq ft per linear foot) of the Building wall upon which the Sign is erected.	
C-2 Zone **C-3 Zone**	Sign Area shall not exceed 0.53sq m per linear meter (1.75sq ft per linear foot) of the Building wall upon which the Sign is erected.	
A Zone **M-1 Zone** **M-2 Zone** **M-3 Zone**	Sign Area shall not exceed 0.61sq m per linear meter (2sq ft per linear foot) of the Building wall upon which the Sign is erected.	

45.13 **FREE STANDING SIGNS**

45.13.1 A property owner may erect a Free Standing Sign that contains advertising for a Business Premise(s) that is located on the subject property. A Free Standing Sign that contains advertising for multiple tenants shall contribute to the total number of permitted Signs for each Business Premise listed on said Sign;

45.13.2 When a Free Standing Sign shall be used to advertise multiple Business Premises a Development Officer shall calculate the permitted Sign Area for the entire property, and the property owner(s) shall determine which usable Sign Area is allocated to each Business Premise.

45.13.3 Free Standing Signs shall be adhere to the following provisions:

Zone	u. Dimensions	v. General Provisions
DC Zone **DMS Zone** **DMUN** **PC Zone** **WF Zone**	Sign Area shall not exceed 2.32sq m (25sq ft) per Sign Face. Signs shall not exceed 2.5m (8.2ft) in Height.	Signs shall have a maximum of two parallel Sign Faces; Signs shall not impede pedestrian or vehicular visibility when accessing a lot; Signs shall be setback a minimum of 1m (3.3ft) from the property line and a Building; Signs erected on a Corner Lot shall be prohibited within the Sight Triangle Area; Signs shall have a minimum Clearance of 2.2m (7.2ft) above open areas and 4m (13ft) above a driveway or vehicular traffic area; When a Business Premise(s) is located on a Corner Lot or through lot, one Sign is permitted on each of two Lot Frontages, provided that the second Sign is 50% of the total Sign Area identified in this table, and there is a minimum distance of 30.1m (99ft) between the Signs.
C-1 Zone **DMU Zone** **P Zone** **PZ Zone**	Sign Area shall not exceed 3.72sq m (25sq ft) per Sign Face. Signs shall not exceed 3.7m (12.1ft) in Height.	
OS Zone	Sign Area shall not exceed 4.65sq m (50sq ft) per Sign Face. Signs shall not exceed 3.7m (12.1ft) in Height.	
C-2 Zone **MUC Zone** **I Zone**	Sign Area shall not exceed 9.29sq m (100sq ft) per Sign Face. Signs shall not exceed 6m (19.7ft) in Height.	
C-3 Zone	**Shopping Centres:** Sign Area shall not exceed 30sq m (323sq ft) per Sign Face. Signs shall not exceed 9.75m (32.0ft) in Height.	

	Non-Shopping Centres: Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in Height.	
A Zone **M-1 Zone** **M-2 Zone** **M-3 Zone**	Sign Area shall not exceed 13.9sq m (150sq ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in Height.	

45.14 ELECTRONIC SIGNS

45.14.1 Electronic Signs shall be incorporated into a Free Standing Sign or be erected on a Building wall.

45.14.2 Electronic Signs shall occupy a portion of the permitted Sign Area for Fascia Signs (Section 5.12.4) or Free Standing Signs (Section 5.13.3), as determined by its classification;

45.14.3 Electronic Signs shall not be permitted:

a. In the 500 Lot Area;

b. On a Heritage Resource; or

c. In a residential Zone; and

d. Electronic Signs shall adhere to the following provisions, in addition to the provisions for Fascia Signs or Free Standing Signs, as determined by its classification:

Zone	Dimensions	General Provisions
C-1 Zone **C-2 Zone** **DMU Zone** **I Zone** **MUC Zone** **OS Zone** **P Zone**	Electronic Signs may occupy a maximum of 2.23sq m (24sq ft) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	One Electronic Sign shall be permitted per property. When the subject property is a Corner Lot or through lot, one Electronic Sign shall be permitted on each of the two Lot Frontages; Electronic Signs may have two parallel Sign Faces; Electronic Signs shall not be erected within 30.5m (100ft) of a residential Zone or the Downtown Neighbourhood (DN) Zone; If installed on a Free Standing Sign, an Electronic Sign shall not be located within 9.14m (30ft) of the outermost portion of an intersection roundabout, or interchange. On undersized lots where this figure cannot be
A Zone **C-3 Zone** **M-1 Zone** **M-2 Zone** **M-3 Zone**	Electronic Signs may occupy a maximum of 2.79sq m (30sq ft) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	

		satisfied, Signs shall instead be erected at the midpoint of the property Lot Frontage; If installed on a legal non-conforming Free Standing Sign, Section 5.14.4.d shall not apply; Signs shall be equipped with automatic dimming technology to automatically adjust Sign brightness in correlation with ambient light conditions. Sign brightness shall not be brighter than 0.3 Foot Candles (equivalent to 0.3 lumen per sq ft or 3.58 lux) above ambient light conditions; Messages shall have a minimum duration of 10 seconds, and shall not include off-premise advertising; The intensity of illumination of a message shall be maintained at a constant level throughout the duration of the message; The transition period between messages shall be a maximum of 0.25 seconds. The message transition shall not incorporate blinking, flashing, scrolling, bouncing, or other moving effects; and Electronic Signs may include static images, however, animation, video, or moving images shall be prohibited.

45.15 **SANDWICH BOARD SIGNS**

45.15.1 Sandwich Board Signs shall be adhere to the following provisions:

Zone	Dimensions	General Provisions
DC Zone **DMS Zone** **DMUN Zone** **OS Zone** **PC Zone** **PZ Zone** **WF Zone**	Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height.	Signs shall only be displayed when the advertised Business Premise is open; Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian

A Zone **C-1 Zone** **C-2 Zone** **C-3 Zone** **DMU Zone** **I Zone** **M-1 Zone** **M-2 Zone** **M-3 Zone** **MUC Zone** **P Zone**	**Placed On Public Right-of-way:** Sign Area shall not exceed 0.6sq m (6.5sq ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in Height. **Placed On Private Property:** Sign Area shall not exceed 1.2sq m (13sq ft) per Sign Face. Signs shall not exceed 1.21m (4ft) in Height.	or vehicular visibility when accessing the lot; Signs shall be placed on private property or on the public Right-of-way abutting the subject Building, excluding the sidewalk, where possible; Where there is insufficient space to satisfy c., the Sign may be placed on the sidewalk abutting the subject Building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5m (5ft) exists on the sidewalk; Signs shall display the City's approval sticker indicating that said Sign has been approved in accordance with this by-law; When placed on a public Right-of-way, the owner of a Sign shall carry liability insurance that names the City as a third party and provides a minimum coverage of $1,000,000; and Proof of liability insurance shall be provided on an annual basis.

45.16 **TEMPORARY BANNERS**

45.16.1 Banners may be permitted on a temporary basis if they adhere to the following provisions:

Zone	Dimensions	General Provisions
A Zone **DC Zone** **DMS Zone** **DMU Zone** **DMUN Zone** **C-1 Zone** **C-2 Zone** **C-3 Zone** **I Zone** **M-1 Zone** **M-2 Zone** **M-3 Zone** **MUC Zone** **OS Zone**	Sign Area shall not exceed 1.95sq m (21sq ft) per Banner face.	In the 500 Lot Area, two Banners are permitted per property. In all other areas a maximum of four Banners are permitted per property; Banners shall be securely attached parallel to a Building wall, or to a supporting Structure(s); Banners shall not extend over a property line, traffic lane, Parking Space, or an area used for vehicular and pedestrian accessibility; and

P Zone **PC Zone** **WF Zone**		Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.

45.17 TEMPORARY MISCELLANEOUS SIGNS

45.17.1 Miscellaneous Signs, including ribbons, Inflatable Signs, balloons, activated devices, may be permitted on a temporary basis if they adhere to the following provisions:

45.17.2 Signs shall be prohibited in the 500 Lot Area, unless associated with a Special Event or festival;

45.17.3 A maximum of two Signs are permitted per property;

45.17.4 Signs shall not extend over a property line, traffic lane, Parking Space, or other area used for vehicular and pedestrian accessibility; and

45.17.5 Signs shall be erected for a maximum of 14 consecutive days and 30 days within a calendar year.

45.18 TEMPORARY POSTERS

45.18.1 Two types of Temporary Posters shall be permitted in the City:

a. **Theatre Show Posters** shall be permitted in the 500 Lot Area on the Building wall of a Theatre; and

b. **Sporting Event Posters** shall be permitted on the Building wall of the Civic Centre & Trade Centre (PID 365809 & 765743);

45.18.2 Temporary Posters shall adhere to the following provisions:

a. Temporary Posters shall be securely erected on a Building wall that abuts a public street;

b. Temporary Posters shall be erected throughout the duration of the advertised performance / sporting event and one month prior to its start date, up to a maximum length of five months;

c. Temporary Posters shall occupy a maximum of 20% of the Building wall upon which they are erected;

d. Temporary Posters that display repetitive information on the same Building wall shall be prohibited; and

e. Any lighting associated with Theatre Show Posters shall adhere to the requirements of this by-law.

45.19 OFF-PREMISE SIGNS FOR SPECIAL EVENTS

45.19.1 The City has designated locations where Off-premise Signs for Special Events may be permitted on a temporary basis. Temporary, Off-premise Signs for Special Events shall adhere to the following provisions:

45.19.2 A maximum of six Signs shall be erected per Special Event. The maximum Sign Area shall not exceed 3sq m (32sq ft) per Sign Face;

45.19.3 Signs shall not be illuminated;

45.19.4 Signs shall only be erected at a location designated by the City;

45.19.5 Signs shall be erected for a maximum period of 21 consecutive days and be removed within two days following the events' conclusion. Signs exceeding this maximum duration may be permitted pending Council's approval;

45.19.6 A Special Event requiring Signage on an annual basis may seek Council's permission to erect Signs annually, provided that a Sign Permit application is submitted each year.

45.20 SIGN DESIGN CRITERIA - DESIGNATED HERITAGE RESOURCES AND WITHINTHE 500 LOT AREA

45.20.1 Excluding Sandwich Board Signs and temporary Signs, all Signs that require a Sign Permit shall adhere to the following design criteria if erected in the 500 Lot Area or on a Designated Heritage Resource:

Content:

a. Sign content shall be limited to the name, logo(s), or slogan of a Business Premise, the name of practitioners of said Business Premise, the name of the Building, or the civic address;

b. Signs shall utilize a maximum of two fonts;

c. Signs shall be limited to a maximum of three colours, unless incorporated into a corporate logo, with sufficient contrast so that the Sign is clearly legible;

d. Sign board and background colours shall be dark with a light contrast colour for letter detailing; and

e. Signs shall not have a reflective or neon / fluorescent background.

Materials & Design:

f. Signs and Channel Letters shall be designed in a manner that is consistent with the architectural style and original façade materials of the Building upon which they are erected;

g. Signs and Channel Letters shall be constructed of natural materials, such as wood, metal, glass, or fabric, or a high quality composite material that appears to be a natural material;

h. Crafted Signs with three-dimensional features and decorative detailing are encouraged.

Compatibility & Placement:

i. Signs shall not obstruct any prominent architectural feature or character defining elements of a Building, including but not limited to windows, sills, entrances, door frames, arches, columns, cornices, and molding;

j. Where multiple Signs exist for a single Business Premise, all Signs shall incorporate unifying styles, materials, fonts, colours, and/or typologies;

k. Repetitious Sign information on the same Building wall shall be prohibited;

l. Where a Sign Band exists on a façade, Fascia Signs shall be centred in the Sign band. Where no Sign Band exists, the Fascia Sign shall be centred over the doorway or display windows;

m. Fascia Signs that run the full width of the Building wall are preferred;

n. Signs shall only be located on an Awning / Canopy that extends the full width of the Business Premise.

Method of Attachment:

o. Signs shall be securely mounted onto a Structure in a manner that does not have an adverse impact on the Building's structural integrity, or compromise its heritage value or character defining elements; and

p. All fastening hardware and brackets shall blend into, and be compatible with the Sign's materials and colours.

Lighting:

q. Back-lit Sign boxes shall not be permitted. Back-lit Signs that illuminate only text and logo(s), and have an opaque background, shall be permitted;

r. Signs that incorporate Halo Lighting or a LED back-lighting that illuminates individual letters shall be permitted;

s. Light sources or fixtures shall be compatible with the character of the Building upon which they're attached;

t. Light sources or fixtures shall be positioned directly above, below, or to the side of the Sign that it illuminates. Lighting shall be shield or directed onto the Sign so that it does not shine onto the street or adjacent properties;

u. Lighting may instead be provided from a light source / fixture that illuminates the Sign Face(s);

v. Light sources shall not extend more than 0.6m (2ft) from the Building wall upon which they are attached;

45.21 **EXEMPTIONS TO SIGN REGULATIONS**

45.21.1 **Heritage Board shall make a recommendation to Council on sign Permit applications for Heritage Designated Properties** that do not adhere to the Sign Design Criteria and/or the placement of the sign, but not allow an increase in permitted sign face area.

45.21.2 **Planning Board** shall review applications and make a formal recommendation to Council for applications:

a. for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration; and

b. for Off-premise Signs for Special Events where there is a request to erect Signs on an annual basis.

46 GENERAL PROVISIONS FOR SUBDIVIDING LAND

46.1 SCOPE

46.1.1 These provisions for subdividing land shall be the minimum requirement for the protection of public health, safety, and welfare, and are intended to protect the public and provide a wholesome community environment, adequate Municipal Services and safe Streets.

46.1.2 This section shall not apply to any Lot or Lots forming part of a Subdivision created and recorded prior to the effective date of this by-law, nor is it intended to repeal, abrogate, annul or in any way impair or interfere with Existing provisions of other By-laws or regulations, except those specifically repealed by this by-law; or with private restrictions placed upon property by deed, covenant, or other private agreement; or with restrictive covenants running with the land to which the City is a party.

46.1.3 Where this by-law imposes a greater restriction upon land than is imposed or required by earlier Existing provisions of law, regulation, contract or deed, the provisions of this by-law shall supersede those imposed by other legislation or agreement.

46.2 SERVICING

46.2.1 Where Municipal Services are available in the opinion of the Manager of Public Works, no Subdivision approval shall be issued except where the Subdivision is provided with such services.

46.2.2 The Development Officer shall not approve a proposed subdivision until the applicant constructs all municipal services required for any public or private street(s), shown on a subdivision plan. The applicant has the option of constructing the Future street(s) or posting a bond guaranteeing its/their construction.

46.2.3 All future and Undeveloped Streets must be serviced in a manner whereby they can be either developed to a standard whereby they can be accepted by the municipality as a public or private street prior to any subdivision approval.

46.3 SUBDIVISION AND CONSOLIDATION OF LOTS

46.3.1 No person shall subdivide a Lot, tract, or parcel of land or consolidate two (2) or more Lots, tracts or parcels of land except as provided herein and in conformity with this by-law and the *Province Wide Minimum Development Standards* as per the *Planning Act* and where there is lack of clarity the Province shall be consulted.

46.3.2 Preliminary Subdivision or Lot consolidation approval shall be required before an application for final approval and:

a. The Development Officer may waive the requirement for preliminary subdivision or Lot consolidation approval for subdivisions of four (4) lots and under;

b. Every person proposing to subdivide or consolidate land shall first apply to the Development Officer for preliminary approval prior to a land surveyor pinning the Subdivision or

consolidation on the ground. The proponent shall submit four (4) copies of the preliminary plan of the proposed Subdivision;

c. such application shall meet the requirements as stated in this subsection as well as the Provincial Minimum Lot Size Standards;

d. when the Development Officer is satisfied that an application and preliminary Plan of Subdivision or Lot consolidation are complete, and when the Development Officer deems it appropriate, the applicant shall forward a copy of the preliminary plan to any other department or agency of the Province or City or to the Planning Board which the Development Officer deems necessary;

e. unless the preliminary Plan of Subdivision or Lot consolidation is clearly contrary to laws, By-laws, or regulations of the Province or City, approval may not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;

f. the Development Officer shall review such application and shall advise the applicant in writing within fourteen (14) calendar days from the receipt of such application that the Subdivision or consolidation proposal has received preliminary approval or that it cannot be approved under the provisions of this by-law and/or the Provincial Minimum Lot Size Standards;

g. the Development Officer may, where a Lot or Lots are subdivided from a parent parcel, waive the requirement for a survey of any remnant parcel which is greater than 0.6 hectares (1.5 acres);

h. preliminary approval of any proposed Subdivision or consolidation shall not be construed as final approval of such Subdivision or consolidation for land registration purposes or for legal conveyance; and

i. preliminary approval shall be effective for a period of twelve (12) months unless, upon application, an extension is granted. If an application for final approval is not tendered to the Development Officer within this period of time, an application for preliminary approval shall be resubmitted.

46.3.3 Preliminary plans of Subdivision or Lot consolidation submitted to the Development Officer shall:

a. be drawn to a minimum scale or scales sufficient for clarity of all particulars on the preliminary Plan of Subdivision;

b. be based on a boundary survey of the property to be subdivided;

c. be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title block which is located in the lower right hand corner of the preliminary Plan of Subdivision;

d. include a digital copy of the survey plan, DXF file format in ATS77 P.E.I. Stereographic Projection; and

e. show the following:

i. name of Subdivision, if any, and the name of the Owner of the area of land;

ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;

iii. a location map, drawn to scale no smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;

iv. the words “Preliminary Plan” located above the title block;

v. a clear space for stamping by the City which measures at least 10 cm (3.9 in.) by 10 cm (3.9 in.);

vi. the dimensions of the area of land to be subdivided;

vii. the proposed dimensions and shape of Lots and Blocks;

viii. the area of each Lot including the approximate area of the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;

ix. the purpose for which the land is to be used and its conformity to this by-law;

x. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot, or where a Lot shown on a Plan of Subdivision is being divided, the proposed Lot or Lots shall be identified by the Existing Lot identifier and a letter;

xi. approximate locations of all existing main Buildings on the area of land proposed to be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft) of either side of the boundaries of the proposed Lot;

xii. the boundary lines of proposed Lots shown by solid lines, and the vanishing boundaries of Existing Lots being re-subdivided, consolidated, or both, shown as broken lines;

xiii. the scale to which the preliminary Plan of Subdivision is drawn;

xiv. the width and location of all Right-of-ways and Existing and proposed public Streets, including pedestrian walkways, intersections and turning circles;

xv. the names of Existing and proposed public Streets;

xvi. a plan showing the centre line profiles of the proposed public Streets;

xvii. Existing contours at 2.0 m (6.6 ft) intervals, proposed spot elevations, and drainage patterns;

xviii. a site drainage plan prepared by a qualified Professional Engineer which must meet the provisions of the Environmental Protection Act R.S.P.E.I. 1988, Cap. E-9 and any regulations or amendments thereto, showing the erosion control measures on lands that drain directly into streams, rivers, harbours, or any Existing Watercourses;

xix. the location of Existing and proposed Municipal Services, and the proposed connections thereto;

xx. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;

xxi. the width, location, and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;

xxii. the north arrow or point;

xxiii. the date on which the preliminary Plan of Subdivision was drawn, and the date of any revisions;

xxiv. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets and Municipal Services to the area where the Subdivision is to be located;

xxv. a boundary survey of the area of land proposed to be subdivided, with the remainder Lot shown on the plan with dimensions, certified and stamped by a P.E.I. land surveyor in the manner required by the P.E.I. Land Surveyors Act and any regulations or amendments thereto; and

xxvi. any other information which the Development Officer deems necessary to determine whether a preliminary Plan of Subdivision conforms to this by-law.

46.3.4 Final approval of a Subdivision or Lot consolidation shall be subject to the following requirements:

a. The Development Officer may grant final approval to Subdivisions which comply with this by-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling may be constructed in a R-1 or R-2 Zone;

b. An application for final Subdivision approval or a consolidation of two (2) Existing Lots into one (1) large Lot may be submitted to the Planning Board by the Development Officer for review;

c. Eight (8) copies of the final plan of the proposed Subdivision shall be submitted;

d. When the Development Officer or Planning Board is satisfied that an application and final Plan of Subdivision are complete, a copy of the application and final Plan of Subdivision may be circulated to any department or agency of the Province or the City as is deemed necessary;

e. Unless the final Plan of Subdivision or Lot consolidation is clearly contrary to laws, By-laws, or regulations of the Province or the City, approval may not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;

46.3.5 Notice to property owners within 100 m (328 ft) of the subject property is required to consolidate properties in the R-3 and R-4 Zones.

46.3.6 The Council shall make the final decision on the application and if the application for a consolidation is refused, the Development Officer shall notify the applicant in writing of the decision and the reason for refusal within fourteen (14) calendar days.

46.3.7 Final plans of Subdivision shall:

a. be drawn to a minimum scale or scales sufficient for clarity of all particulars on the final Plan of Subdivision;

b. be stamped by a P.E.I. land surveyor who shall certify that the Lots for which approval is requested have been surveyed in the manner required by the *P.E.I. Land Surveyors Act* and any regulations and amendments thereto;

c. be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title block which is located in the lower right hand corner of the Plan of Subdivision;

d. The Owner shall show in the case of a subdivision of more than four (4) Lots and where new Streets are to be constructed, an overall surface water plan. This plan or a new plan shall show for each Lot, proposed top of foundation elevations for all new main Buildings to be Erected on a Lot.

e. show the following information:

   i. name of the Subdivision, if any, and the name of the Owner of the area of land;

   ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;

   iii. a location map, drawn to a scale no smaller than 1:50,000 with such scale to be shown on the map, preferably with the same orientation as the area of land;

   iv. identify the type of street (public, private, future or undeveloped) including the length of the boundaries of all Existing and proposed Lots, Streets, Right-of-ways and Easements including the length or arc, points or curvature and radius in the case of curved lines;

   v. a clear space for stamping by the City measuring at least 10 cm (3.9 in.) by 10 cm (3.9 in.);

   vi. the dimensions of the area of land to be subdivided;

   vii. the shape, dimensions, and area of Lots, Blocks, and the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;

   viii. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot or where a Lot shown on a Plan of Subdivision is being divided, the proposed Lot or Lots shall be identified by the Existing Lot identifier and a letter;

   ix. locations of all existing main Buildings on the area of land proposed to be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft) of either side of the boundaries of the proposed Lot;

   x. the width and location of all rights-of-way and Existing and proposed public Streets including intersections and turning circles, and these shall meet the City requirements for snow removal and fire protection services;

   xi. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;

   xii. the width, location and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;

xiii. north arrow or degree;

xiv. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets, Municipal Services to the area where the Subdivision is to be located;

xv. the date on which the final Plan of Subdivision was certified, with all revisions to be identified, dated, and initialled;

xvi. where the Subdivision was Designed by an individual or firm other than the professional land surveyor who has certified the final Plan of Subdivision, the name of such individual or firm and the nature of the work performed shall be shown in the title block of the final Plan of Subdivision; and

xvii. any other information which the Development Officer deems necessary to determine whether a final Plan of Subdivision conforms to this by-law.

46.3.8 In addition to the requirements set out in this subsection, the drawings shall show the location and dimensions of Existing Municipal Services to which the proposed underground systems for the Subdivision will connect.

46.3.9 An Applicant who proposes to lay out and construct Streets or install public services on lands that drain directly into lakes, streams, rivers, or any Existing Watercourses shall submit a drainage plan and an erosion control plan that complies with the City's specifications and meets the requirements of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, and any regulations or amendments thereto.

46.3.10 An Applicant shall be required:

a. to pay the cost of preparing a traffic study, where required, in accordance with terms of reference and standards established by the Development Officer from time to time;

b. to pay all or any part of the cost of:

i. upgrading any existing Street (public, private, future, undeveloped) which does not meet City service standards and forms part of the proposed Subdivision or which provides Street access and egress to the Subdivision;

ii. constructing any new Streets within the proposed Subdivision;

iii. constructing a new Street which meets City standards or upgrading an existing Street to City standards in order to connect the proposed Subdivision to an existing Street in the vicinity of the proposed Subdivision which meets City standards;

iv. access points or upgrading the existing Street network in the vicinity of the proposed Subdivision including, but not limited to, traffic signals, widening of intersections and access turning lanes.

46.3.11 Final approval of Subdivision shall not commit the City to extending or connecting Municipal Services to that Subdivision.

46.3.12 Where an existing Street does not meet City standards, or Municipal Services are not installed to serve an existing Street, the Council shall require the Applicant, Owner, as the case may be, to enter into a Subdivision Roads and Services Agreement which provides that the Applicant, Owner, as the case may be, shall, where required, pay the cost of a traffic study, upgrading of Streets to City standards and the installation of Municipal Services including the acquisition of any land, Easement or Right-of-way required for Street or Municipal Services purposes.

46.3.13 The City shall not be committed to extend or connect Municipal Services until the Applicant enters into a "Subdivision Roads and Services Agreement" which outlines the terms for the installation of public services and construction of public Streets and the extension or connection of Municipal Services as follows:

a. The Subdivision Roads and Services Agreement shall be accompanied by detailed engineering design drawings for the construction of public Streets, which are prepared in accordance with the City's specifications and Signed and stamped by a qualified Professional Engineer licensed to practice on P.E.I.;

b. The Subdivision Roads and Services Agreement shall be accompanied by detailed engineering design drawings for the Municipal Services to be installed, which are prepared in accordance with the City's specifications and stamped by a qualified Professional Engineer licensed to practice on P.E.I.; and

c. The Subdivision Roads and Services Agreement, where there are sidewalks, pedestrian walkways, Right-of-ways, Street lighting, curbs, traffic Signals or other Municipal Services in the area shall include this as part of the detailed engineering design in accordance with any City specification and the drawing shall be stamped by a qualified Professional Engineer licensed to practice on P.E.I.

46.4 APPROVAL NOTIFICATION

46.4.1 The Development Officer shall approve a Plan of Subdivision or consolidation where it meets the requirements of this section.

46.4.2 When a Plan of Subdivision has been approved, the Development Officer (or Designate) shall affix a stamp with the City of Charlottetown crest and his or her Signature and date approved to the plan and the following statements may form part of the stamp. As well, the Development Officer may attach other written notices or conditions to the approval (eg. Lot must be consolidated with adjoining Lot, previous Plans were registered, Municipal Services are not available, deeds must reflect this Plan, no Building on this Lot).

"This final Plan of Subdivision is approved for Lot(s) _____ and has been approved on _____ and forwarded to be registered in the Queens County Registry Office." or

"This preliminary Plan of Subdivision is approved for Lot(s) _____ on _____ , and no sale of Lots may occur until a final Plan of Subdivision is approved and a 'Subdivision Roads and Services Agreement' is Signed."

46.5 ENFORCEMENT

46.5.1 Recording of Plan: no Plan of Subdivision shall be entitled to be recorded in the City of Charlottetown or Queens County Registry Office, or have any validity, until it has been approved in the manner prescribed herein. In the event an unapproved plan is recorded, it shall be considered invalid and the City shall institute proceedings to have the plan stricken from its records.

46.5.2 Sale of Land in Subdivision: no Owner, or agent of the Owner, of any land located within a Subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the Use of a Plan of Subdivision before such plan has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this subsection of the By-law is, at the City's option, voidable and shall allow the City to apply to a court of competent jurisdiction for equitable relief. The description of such Lot or parcel by metes and bounds in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the transaction from the provisions of this by-law.

46.5.3 Public Improvements: the City and the authority approving Municipal Services hereby state that all public improvements will be withheld, including the Maintenance of Streets and supplying water and wastewater service, from all Subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed herein.

46.5.4 Revision to Plan after Approval: no changes, erasures, modifications, or revisions, shall be made in any plan or a Subdivision after approval has been given (approval stamp and Signed) by the City unless said plan is first re-submitted to the City for approval.

46.6 GENERAL PROVISIONS FOR SUBDIVISION

46.6.1 Streets: there are four types of streets that exist within the City as defined in definition section and include Public Streets, Private Streets, Future Street, and Undeveloped Streets.

a. Private streets that existed and were approved prior to July 2020 shall be permitted to exist and building permits may be approved on these private streets but no future private streets shall be approved for subdivision or development after this date.

b. Existing private streets must be suitable and safe for emergency vehicles such as police, fire and ambulance services.

c. Services such as: water and sewer, electricity and telecommunications must be adequately provided and accommodated for the development located on an existing private street.

d. The existing private street must provide safe and convenient public and private pedestrian and vehicular access.

46.6.2 All subdivision proposals or requests to build on property must provide Frontage on a public, future, or Undeveloped Street that meets all servicing standards as prescribed by the municipality which includes, roads or other street designations designed for the passage of

vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

a. Where multiple accesses on an existing or proposed public street are not deemed appropriate in the interest of safety, subdivisions for Residential Development may be designated with rear lane access driveways. Rear lane access driveways must meet the requirements for the passage and accessibility of emergency vehicles.

46.6.3 An Applicant who proposes to subdivide an area of land shall lay out and construct all proposed Public Streets as shown on the plan of subdivision; All future and Undeveloped Streets must be serviced and developed at the cost of the developer in a manner where they can be accepted by the municipality as a public street.

46.6.4 Streets shall not run perpendicular to slope gradients where steep Grades may result. The Grade of a proposed public Street shall be a maximum of 8.0 degrees with 4.0 degrees being the maximum for 30 m (98.4 ft) from the intersection of two (2) centre lines. The minimum Grade of any Street shall be 0.5 degrees. All proposed public Streets shall have a 2.0 degree crown along the centre line;

46.6.5 all Streets shall be designed specifying adequate water drainage. Work shall be certified by a Professional Engineer qualified to practice in the Province of Prince Edward Island;

46.6.6 turning circles of at least 20.75 m radius(42.5 m diameter) for streets with piped storm shall be provided on all cul-de-sacs. Temporary turning circles of the same radius as indicated above shall be provided on any dead-end Street intended for extension at a future date, or the Manager of Public Works may approve a T-type or branch type turnaround. No turning circle shall terminate at an adjacent Street;

46.6.7 cul-de-sacs may be used to develop odd-shaped parcels and shall be properly oriented to facilitate drainage. The Use of cul-de-sacs, however, shall be discouraged where Street Maintenance or provision of services becomes hampered;

46.6.8 the maximum length of a cul-de-sac shall be that which the Public Works and Fire Department of the City approve;

46.6.9 all pedestrian walkways shall have a width of at least 1.5 m (4.9 ft) which shall be composed of a dust-free surface which is either gravel, concrete or paved materials, and this shall be 1 m (3.3 ft) from the travelled portion of a Street;

46.6.10 all Lots on a final Plan of Subdivision shall abut a public Street;

46.6.11 a proposed public Street shown on a final Plan of Subdivision shall have a minimum Right-of-way of 18.3 m (60.0 ft) unless otherwise approved for infill residential subdivision upon the review of the City's Public Works, Fire and Utility Departments;

46.6.12 a public Street, unbroken by an intersection, shall not exceed 365 m (1,197.5 ft) in length unless it would prejudice the proper Subdivision of land or adjoining land;

46.6.13 there shall be no more than four (4) public Street approaches in an intersection;

46.6.14 all intersecting Streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 30 m (98.4 ft) from the intersection measured from the respective centre lines;

46.6.15 where a public Street in an adjoining Subdivision abuts the boundaries of a Plan of Subdivision submitted for approval, the public Street in the latter shall, if reasonably feasible, be laid out in prolongation of such public Streets unless it would be in violation of the By-law;

46.6.16 all Public Streets shall be deeded to the City after commencement of sewer and all required servicing work is complete or the necessary security is provided in a subdivision agreement;

a. all Future streets will be deeded to the City as required by master plans (at the time of subdivision approval for the subject area) with the understanding that no subdivision or Development will be permitted on such street until the street is fully serviced to all required City standards by the applicant at the time of Development.

b. Rights of way that are deeded to the City or existing Undeveloped Streets shall not be permitted for subdivision or Development until the street is fully serviced by the applicant to all required City standards prescribed by By-law at the time Development is proposed.

c. the cost of paving, engineering, and construction of all street types shall be paid in full by the Applicant;

d. the Council reserves the right to name Public Streets within the City; and

e. the cost of all Street lighting shall be borne by the Owner of the Subdivision.

f. The Public Works Department of the City may update their Right-of-way requirements from time to time and these newer standards shall be in effect as of the date the Public Works Committee approve them.

46.7 LOT CONFIGURATIONS

46.7.1 wherever possible, Side Lot Lines shall be substantially at right angles to a public Street or radial to a curved public Street; and

46.7.2 wherever possible, the Rear Lot Lines of a series of adjoining Lots shall be continuous and not stepped or jogged.

46.8 WATER, SEWER, AND OTHER SERVICES:

46.8.1 water and sewer plans shall be submitted to the City for approval of the Utilities Department;

46.8.2 the cost of water and sewer installation shall be required to be borne by the person subdividing or developing land;

46.8.3 a person who proposes to subdivide an area of land in the City shall install a public water system for the area of land proposed to be subdivided;

46.8.4 the public water system shall include mains and laterals to the boundaries of the proposed Lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications;

46.8.5 a person who proposes to subdivide an area of land in the City shall install a public sanitary sewer system for the area of land proposed to be subdivided;

46.8.6 the public sanitary sewer system shall include collectors and any laterals to the boundaries of the proposed Lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications;

46.8.7 a person who proposes to subdivide an area of land in the City shall install a public storm sewer system for the area of land proposed to be subdivided unless waived by the City where there is no connection to an available piped storm system, or where surface drainage such as ditches, swales, holding ponds, silt traps, and the like of the Subdivision does not present undue stress on the environment;

46.8.8 the public piped storm sewer system shall include collectors and laterals to the boundaries of the proposed Lots, and the system shall be designed by a Professional Engineer and comply with the City's specifications. Where possible, the Applicant of the Subdivision shall be encouraged to incorporate swales in the design of the public storm sewer system;

46.8.9 the public storm sewer system shall be designed to discharge into Existing streams and brooks utilizing natural run-off channels. Connections may only be made to Existing storm sewers with prior approval from the City, and approval shall only be refused if the Existing storm sewer is inadequate; and

46.8.10 Approved Public Streets and Private Streets shall include all Roadway culverts and drainage ditches, Easements, pedestrian walkways and shall be designed by a Professional Engineer and comply with the City's specifications.

46.9 LAND FOR PUBLIC PURPOSES:

46.9.1 The City, at its discretion, shall accept one of the following or a combination of the following:

a. any person who subdivides more than one (1) Lot from the parent parcel as of the date of this by-law in the City shall set aside and convey to the City an amount of land which is acceptable to the City, equal to ten percent (10%) of the land to be subdivided for public purposes; or

b. in lieu of setting aside land for public purposes, the Council may accept payment to the City of money equal to ten percent (10%) of the fair market value of the Lots severed for Subdivision.

46.9.2 Any person who subdivides land may be required to dedicate a portion of the Environmental Buffer as defined in the E*nvironmental Protections Act* adjacent to a Watercourse or Wetland for Open Space as may be determined by the City through the Subdivision approval process.

46.10 PERFORMANCE GUARANTEES AND CONVEYANCE OF PUBLIC SERVICES

46.10.1 The Applicant shall satisfy the requirements of Subdivision approval by entering into a Subdivision agreement as follows:

a. the Applicant shall agree by Subdivision agreement to install the required systems as stipulated by the City, which may include: Streets, sidewalks, water supply, sewage collection, fire hydrants, storm drainage, Street lighting, curbing, Landscaped Areas and traffic control systems, and the Owner shall deposit with the Chief Administrative Officer

cash, a certified cheque, indemnity, or other security acceptable to the Chief Administrative Officer which shall be sufficient to cover 25% of the estimated installation costs of the required systems, and such estimates shall be subject to the approval of the Director of Public Services;

b. an agreement entered into between the City and the Owner shall be executed in triplicate, Signed by the mayor and Chief Administrative Officer on behalf of the City and by the Owner;

46.10.2 The agreement shall contain terms with respect to:

a. commencement and completion dates for construction of public Streets and installation of public water, sanitary and storm sewer systems or other systems;

b. provision of general automobile liability insurance;

c. description of the work to be carried out within the Subdivision;

d. furnishing of security to the City as faithful performance Maintenance of the proposed work;

e. such phasing as may be agreed upon by the Owner and the City;

f. the provision and acceptance of Easements and rights-of-way associated with the public Streets and underground systems; and

g. any other matter required by the provisions of this by-law.

46.10.3 The Owner who is responsible for the construction of public Streets and the installation of public water, sanitary and storm sewer systems shall:

a. arrange and pay for engineering design specifications for the public Streets, public water, sanitary and storm sewer specifications of the City;

b. arrange for complete testing of the systems and shall advise the City of proposed test dates, sites, and times;

c. arrange for service installation inspection; and

d. allow the City to inspect the construction and installation at any stage.

46.10.4 Following construction and installation of the required services, and before acceptance by the City of the public Streets, water, sanitary and storm sewer systems, the Owner shall:

a. provide “as built” reproducible engineering drawings for all public systems which shall be stamped and Signed by a Professional Engineer. Included with the “as built” plans shall be a digital plan copy, DXF format in ATS77 PEI Stereographic Projection;

b. provide all operating and procedural manuals for each public water or sanitary or storm sewer system;

c. provide the results of all required test reports of the public systems demonstrating that they have been constructed and are operating according to the Standards of the agreement and this by-law;

d. provide all Easements and rights-of-way associated with the public Streets and underground systems; and

e. post a Maintenance bond or other security acceptable to the Chief Administrative Officer made in favour of the City in an amount equal to 12.5% of the actual costs of constructing the public Streets and installing the public water, and sanitary and storm sewer systems. This bond is to be posted for up to one (1) year from the date of a "Certificate of Provisional Acceptance" and then a further bond of 6.25% of the actual cost of construction shall be posted for an additional year after "Final Acceptance" to allow for two (2) years of Maintenance bonds.

46.10.5 The Owner shall convey to, and at no cost to, the City the public Streets, any Easements, water, sanitary and storm sewer systems, and Parkland which shall be free of encumbrances or Cash-in-lieu of said Parkland.

46.10.6 Following completion of the public Streets, water, sanitary and storm sewer systems and any other requirements in the Subdivision agreement, a "Certificate of Provisional Acceptance" shall be issued to the Owner by the City's Director of Public Services or the Development Officer.

46.10.7 Following acceptance of the public Streets and all associated work, including final asphalt coat (C mix), water, sanitary and storm sewer systems, the City shall provide a "Certificate of Final Acceptance" to the Owner. The Maintenance bond shall remain in place for a period of up to two (2) years regardless if a "Certificate of Final Acceptance" is issued by the City.

46.11 EXEMPTIONS TO SUBDIVISION REQUIREMENTS

46.11.1 The Development Officer may approve an undersized Lot if an Existing undersized Lot is consolidated with another parcel in order to bring the new consolidated Lot closer to the minimum requirements of this by-law, provided that the remaining parcel or parcels meet the Lot requirements of this by-law or were lawfully existing at the effective date of this by-law.

46.11.2 Where a Lot or parcel of land contains more than one main Building lawfully Existing at the effective date of this by-law the Development Officer may approve a Plan of Subdivision for the Lot or parcel of land showing a Lot designed for each of the main Buildings provided that each Lot has a Frontage of not less than 6 m and is served by Municipal Services.

46.11.3 Notwithstanding the Lot Area and Frontage requirements of this by-law, where a Development component of a permanent nature such as a Structure, well, or septic tank is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a Plan of Subdivision to the extent necessary and practical to remove the encroachment.

46.11.4 Notwithstanding section 45.14.1 there may be a unique circumstance whereby the Manager of Water & Sewer Utility is prepared to grant an unserviced development. In this circumstance, the owner of said property must meet all requirements of the Province Wide Minimum Development Standards Regulations set out in the Planning Act R.S.P.E.I 1988, Cap. E-9.

46.12 **LOT SIZE**

46.12.1 No Lot shall be reduced in area, either by conveyance or alienation of any portion thereof, or otherwise, so that any Building or Structure on such Lot shall have a Lot Coverage that exceeds, or a Front Yard, Rear Yard, Side Yard, Lot Frontage, or Lot Area that is less than that required by this by-law for the Zone in which such Lot is located.

a. If Council approves the construction of a Semi-Detached Dwelling or Townhouse Dwelling on an undersized lot through a lot area or frontage variance, each Semi-Detached Dwelling unit or Townhouse Dwelling Unit can be further subdivided subject to the requirements in Section 4.14.

46.12.2 Council may approve, by recommendation of Planning Board, the Subdivision of a single infill lot that is undersized in Lot Area and/or Lot Frontage, and that meets the average lot size of the existing developed lots on the street within the same Zone. Such infill lots are to be used for Single-detached Dwellings only, or for 2-unit Dwellings where permitted in the Zone and where the lot has the minimum requirement for Lot Area for that use.

46.12.3 Consideration will be given to permitting a Flag lot through a frontage variance application in those circumstances where an existing legal lot was created with less than 25 ft of Frontage or in circumstances where a parcel is landlocked and there will never be the ability for the extension of a future street road network to provide the required street frontage from the rear of the property. In the case of a landlocked parcel, Council may approve, by recommendation of the Planning Board a flag lot provided:

a. The flag lot has 25 ft of Frontage on a public street;

b. The main body of the lot (flag portion) meets the lot area and frontage requirements of the zone;

c. Only one flag lot will be permitted per parent parcel; and

d. No portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion.

46.13 **MUNICIPAL SERVICES**

46.13.1 Where Municipal Services are available no Subdivision approval shall be issued except where the Subdivision is provided with such services.

46.13.2 Municipal Services shall be required for any new Subdivision containing more than one (1) Lot with the following exceptions:

a. In an area where there are no Municipal Services, one (1) Lot from an original parcel Existing on the effective date of this by-law, may be subdivided for Development with on-site services that meet Standards set out by the Province;

b. Any Applicant proposing to create more than one (1) Lot where no Municipal Services are available in an area, may receive Subdivision approval from the City subject to the installation of a private sewer and water system:

c. The Applicant shall install the said private sewer and water system to City Standards in such a manner that allows the City, at such time as it makes Municipal Services available to the area, to provide a connection to the system; and

d. The Applicant shall install the said private sewer and water system to services all Lots in the Subdivision and to meet such Standards as are required by Section 13 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

e. Any Applicant who receives approval from the City to install a private sewer and water system shall enter into a Subdivision agreement with the City and shall provide security for the rehabilitation of a sewage treatment facility, well or any other appurtenance that may become surplus at such time that the system is connected to the Municipal Services.

46.13.3 A private sewer and water system shall be turned over to the City after a one-year Maintenance by the applicant and provided it meets the standard specified by the City, the City shall accept this system and operate it;

46.13.4 At such time as the City provides Municipal Services to the Subdivision, a private sewer and water system shall be connected to the Municipal Services.

APPENDIX A. DEFINITIONS

In this by-law, and in accordance with the *Interpretation Act*, R.S.P.E.I. 1988 c. I-8:

a. The word "shall" is to be construed as imperative; and "may" is to be construed as permissive and empowering.
b. Words used in the present tense shall include the future.
c. Words used in the singular shall include the plural, and words used in the plural shall include the singular.
d. The word "use" or "used" shall include "intended to be used",
e. All other words shall carry their customary meaning except for those defined hereinafter.

500 Lot Area means the Heritage Resource area identified within the City of Charlottetown that is generally located south of Euston Street, and is more specifically described in Appendix E.

Abattoir means a use of land, or Building or Structure in which animals are slaughtered and may include the packing, treating, storing, and sale of the product on the premises.

Accessory Building means a detached Building or Structure located on the same Lot as a main Building, and the use of which is incidental or secondary to the main Building.

Active Recreation means recreational activities, such as organized sports that require specialized facilities and Development.

Addition means an Alteration to an existing Building resulting in an increase in the Gross Floor Area of the Building.

Affected Property Owners means the property owner(s) identified on the Assessment Roll in accordance with the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and as provided to the City by the Province at the beginning of each year (with printed and/or electronic updates throughout the year). The City is responsible for only those names on the latest electronic files for the Assessment Roll to the City when sending notices under the provisions of this by-law.

Affordable Housing means any type of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit, co-operative housing, or rent supplements for people living in private market housing.

Agricultural and Resource Land Use means the non-intensive use of lands, Buildings or Structures for the production of crops, animal husbandry or other similar uses normally associated with agriculture. Agricultural Resource uses may also include retail or market outlets for the sale of agricultural goods; but shall not include intensive fowl, livestock, a Kennel, or a fox farm operation.

Airport means the use of land or a Building to facilitate the landing and handling of aircraft, their passengers and freight, and may include secondary uses such as a ticket Office, Eating and Drinking

Establishment, Convenience Store, Retail Store, Transportation Services and parcel and freight shipping facilities.

Alter or Alteration means to change in any manner, structurally or otherwise, in whole or in part, the exterior or interior of a Building or Structure, and includes to Restore, renovate, repair, or change the design of such Building or Structure.

Amenity Area means an area of land set aside for the purposes of visual improvement or relaxation.

Animal Shelter means a Building or Structure used for the care of lost, abandoned, or neglected animals and operated by a public or semi-public authority, or by a non-profit private organization. Use as a Kennel shall be limited to short-term boarding and shall be incidental to care provided.

Attached means a Building or Dwelling connected to the main Building by means of a common wall, which depends for structural support or complete enclosure upon this division wall or walls shared in common with, or roof and enclosed walkway to allow access without a person going outside.

Automobile Body Shop means a Building or a clearly defined space on a Lot used for the repair and servicing of motor vehicles including body repair, painting, and engine rebuilding, and includes storage for an automobile towing establishments but does not include an Automobile Service Station or an Automobile Sales and Services.

Automobile Sales and Services means an Building or Lot used for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service.

Automobile Service Station means an establishment where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored and kept for sale, and where repairs of automobiles and trucks not exceeding one and one-half ton capacity including alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores, and Car Washes. This use may also be connected with a Convenience Store. “Automobile Body Shop” is a separate use.

Awning means a fixed or retractable hood or roof-like shelter that extends from an exterior Building wall, and consists of fabric, canvas, plastic, or similar material that is supported by a frame.

Balcony means a railed elevated platform projecting from the wall of a Building, and which is not connected to the ground by a staircase, and does not include a Deck which is above Grade.

Block means a unit of land, the boundaries of which consist entirely of Streets, rivers, railroads, Parks, Zone boundary, or any combination thereof.

Building includes any Structure placed on, over, or under the land used for the shelter, accommodation or enclosure of persons, animals or goods, and every part of the same and any external or projecting Structures used in connection with such a Building.

Bulk Fuel Station means an establishment for the storage and distribution of petroleum products in bulk quantities, and may include retail sales or processing. Accessory uses may include tanker vehicle storage and key-lock pumps. Storage tanks under 4000 USWG fall under the installation regulations of the

Province (and CSA Standards B-149.2) and over that size tank used for storage, the City of Charlottetown under the *Fire Prevention By-law* which adopts NFPA 1 and thereby, NFPA 58 may be applied for new or expansion of Bulk Fuel Stations and distribution sites in the City.

Business Premise means a location, Building, or establishment where a commercial or industrial activity is undertaken, or where professional, personal or other services are provided to the public, typically for monetary gain.

Cannabis Retail Store means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized.

Canopy means a rigid, permanent hood or roof-like shelter, other than a projecting roof, that extends from an exterior Building wall, typically over a doorway, windows, or seating area.

Car Wash means a Building or Structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The Car Wash may operate on its own or in conjunction with an Automobile Service Station.

Cash-in-lieu means an arrangement whereby an Owner or Applicant pays money to the City in substitution of a provision required under this by-law, as a condition of approval of an application made under this by-law.

Cemetery means land that is used as a place for the internment of the dead or in which human bodies have been buried.

Channel Letters means a type of Sign where a series of single solid Structures - each resembling a letter, number, logo, or other symbol - are affixed parallel to a wall or Sign board in order to display a message. Channel letters may be lit by an internal or external light source, or by Halo Lighting.

Character-defining elements include the overall shape of the building, its materials, craftsmanship, decorative details, exterior façade features, as well as the various aspects of its site and environment.

City means the City of Charlottetown established pursuant to the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

Clearance means the vertical distance from Grade to the underside of the Sign or it's supporting Structure, whichever is less.

Club means an association of persons united by a common interest and who meet periodically. The Building in which the Club meets may be licensed to serve alcoholic beverages.

Commercial Use means the use of a Building or Lot for the purpose of buying and selling goods and supplying services.

Community Building means a Building or site owned by a government agency, non-profit organization, religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.

Community Care Facility means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.

Community Gardens are a single piece of land gardened collectively by a group of people. Community Gardens are run by dedicated non-profit community groups. Each garden is unique with different numbers of garden plots, costs for plots and availability.

Community Institutional means a charitable or non-profit organization or government service which provides a neighbourhood or community service in a residential area.

Convenience Store means a small Retail Store, located in a convenient site in a neighbourhood, that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.

Council means the Mayor and Councilors of the City of Charlottetown.

Cultural Establishment means an establishment used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to uses such as art galleries, Theatres, libraries, auditoria, archives, interpretive centres, and museums.

Curb Cut means the cutting or lowering of a curb, sidewalk, or boulevard to provide for vehicular and pedestrian access to a site.

Daycare

> ***Commercial Daycare Centre*** means an establishment for the provision of care and supervision of children, as regulated in the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.
>
> ***Home Daycare*** means a home occupation for the provision of care and supervision of children as regulated in the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.

Deck means an open, unroofed Porch or platform extending from a Building, and serving as an outdoor living area.

Design Review Board means the Board or Committee established by the City to process Development applications subject to the Design Review process as per the provisions of this by-law.

Design Review Roster means a roster of individual, external Design Reviewers who's professional expertise is sot by the City to evaluate Development applications subject to the Design Review process as per the provisions of the by-law.

Development shall have the same meaning as defined in the *Planning Act*, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

Development Concept Plan means a detailed plan showing the proposed location, land use and form of all Development of any land in a defined area.

Development Officer means the individual or such other designate as appointed by the Council charged by the City with the duty of administering the provisions of this and other planning-related by-laws.

Domestic Animals includes dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, and fish.

Dormitory means a Building or Structure where residents have exclusive use of a Bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the owner for providing the accommodation.

Drive-thru Business means an establishment which is designed to provide either wholly or in part, service to customers while in their motor vehicles.

Dwelling means a Building or portion thereof used for residential occupancy, including a Single Dwelling Unit, two Units, and Multi-unit Buildings, but shall not include Hotels or Hostels.

> ***Dwelling Unit*** means two or more rooms for the use of an individual or Household which culinary, bath and/or shower conveniences are provided for the exclusive use of the resident(s), and with a private entrance from outside the Building or from a common hallway or stairway inside, but does not include a Lodging House, Lodging House Limited, Hotel or recreational vehicle.
>
> ***Apartment Dwelling*** means a Building comprising three or more Dwelling Units which generally has a shared outside access; or Dwellings Attached to or located above a Building which contains a Commercial Use.
>
> ***Block Townhouse Dwelling*** means a Townhouse Dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public Street.
>
> ***Converted Dwelling*** means an existing Building originally constructed as a Single-detached Dwelling, which is used for more than one Dwelling Unit.
>
> ***Duplex Dwelling*** means a Building divided horizontally into two (2) Dwelling Unit (an upper and lower Unit) each with an independent entrance, either directly or through a common vestibule.
>
> ***Mini-home Dwelling*** means a Dwelling having a maximum width of 5 m (16.4 ft) that is substantially assembled in a manufactured plant, and designed to be transported (either on its own chassis or on a truck or trailer) as one integral unit and placed on a Lot for year round living.
>
> ***Modular Dwelling*** means a Dwelling Unit of at least 7.0 m (23.0 ft) in width constructed in accordance with the Standards set forth in the Charlottetown Building Code By-law and composed of components substantially assembled in a Manufacturing plant and transported to the Lot for final assembly. A Modular Dwelling may also consist of two sections transported to the site in a manner similar to a Mini-home or a series of panels or room sections transported on a truck and Erected or joined together on a Lot.
>
> ***Multi-unit Dwelling*** means a Building containing three or more Dwelling Units.

Townhouse Dwelling means a Building that is divided vertically into three or more Dwelling Units, each of which has independent entrances.

Semi-detached Dwelling means a Building divided vertically into two side-by-side separate Dwelling Units each of which has independent entrances.

Single-detached Dwelling means a Building which is a completely detached Dwelling Unit, and whose main walls have a minimum width of not less than 5.5 m (18 ft).

Stacked Townhouse Dwelling means a Building consisting of Townhouse Dwellings, except that Dwelling Units may be arranged two deep, either vertically so that Dwellings may be over others, or horizontally so that Dwellings may be attached at the rear as well as at the side. Each Dwelling shall have separate and individual access, not necessarily directly at Grade.

Easement means a right to use land, most commonly for access to over one property to another property or as a Right-of-way for a Utility Service.

Eating and Drinking Establishment means an establishment where food is prepared and served, and may include alcoholic and non-alcoholic beverage service.

Educational Institution means an establishment providing academic and/or technical instruction, and may include supplementary school cafeterias, book stores, amusement activities, recreation facilities, instruction function, and community assembly uses. This term refers to uses such as public and private schools, colleges, and universities.

Entertainment Establishment means an establishment providing musical, dramatic, dancing, or cabaret entertainment and/or facilities for alcoholic beverage consumption and supplementary food service. This term refers to uses such as a Theatre, cinema, auditoria, beverage room, cocktail lounge, cabaret, casino, nightclub, Theatre restaurant and other establishments that are used to host Special Events.

Equipment Sales, Rental Service means an establishment for the retail sale, wholesale distribution, rental and/or service of equipment. This term does not include Heavy Equipment Repair or Automobile Sales and Services.

Erect or Erection means to build, construct, re-construct, Alter, or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally Altering any existing Building or Structure by an Addition or extension and placing, painting or installing of a Sign(s).

Extractive Facilities means all Buildings, aggregate plants material storage areas, and weigh scales associated with extractive uses, but does not include Structures or storage areas which are fundamental to the activities of mining.

Farm means a Lot, Buildings, and Structures where the primary use for Agricultural or Resource Land Use. An accessory use to a Farm may include a Residential Dwelling.

Feedmill means a mill for the processing, blending, grinding, and mixing of grains, seeds, and concentrates.

Fence means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fire Station means is a Building or Structure used for storage of firefighting apparatus such as fire engines and related vehicles, personal protective equipment, fire hoses and other specialized equipment. It may also have secondary uses, such as dormitory living facilities and work areas for the use of fire fighters.

First Storey means the Storey or floor immediately above a cellar or basement, or where no basement or cellar exists the first floor shall be that floor at or above Grade level and that which is not more than 2 m (6.6 ft) above Grade.

Flag lot is the result of a subdivision where the flag (developable portion of the lot) is behind another lot and connected by the pole (a narrow strip of land that does not meet the required street frontage defined by the Zone).

Flat Roof means a roof that is sloping no greater than 1:12.

Floor Area means the total of the horizontal areas of each floor in a Building or Structure measured from the exterior of outside walls or outside finished partitions, but excluding any unfinished areas, Porch, private Garage or other rooms not inhabitable such as a furnace or mechanical room, washroom and ancillary facilities, common corridors and exits.

Floor Area, Gross means the total of the Floor Areas of a Building above and below Grade, measured between the exterior faces of the exterior walls of the Building as each floor level but excluding car Parking areas, electrical and mechanical rooms, storage racking areas, washrooms, and common corridors within the Building.

Footprint means the area of a building on a lot, including land over which the building projects, but excluding any area below the eaves of a roof, and any portion not covered by a roof, such as unsheltered steps, verandas or decks.

Forestry Related means a commercial silviculture or the production of timber or pulp and any other uses associated with forestry including sawmills, related vehicle and equipment storage, Accessory Buildings and Yards, as well as retail and wholesale outlets for wood and wood products.

Funeral Establishment means an establishment or part thereof used for human funeral services, and may include space and facilities for autopsies, embalming and short-term storage of human remains; as well as chapels and crematoriums.

Garage means an Accessory Building or part of a principal Building designed and intended to be used for the storage of motor vehicles.

Garden Centre means an establishment for the growing, storage, and/or sale of garden, household, and ornamental plants and trees, and includes supplementary retail sale of fertilizers, garden chemicals, garden implements, and associated products.

Garden Suite means a self-contained Dwelling Unit that is located in the Rear Yard of a Single-detached Dwelling.

Golf Course means a public or private area operated for the purpose of playing golf and related activities including a Club house and administration Building(s). The foregoing is specifically limited by excluding permanent residential accommodation of any type except a Dwelling Unit or Dwelling Units provided for maintenance or security personnel.

Government Body means a municipal, provincial, or federal government agency.

Grade means the level of finished ground adjoining the exterior walls of the Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

Green Roof means an extension of a roof of a Building or Structure providing usable outdoor amenity space for building occupants and is designed to allow vegetation to grow in a growing medium.

Greenhouse means a permanent or temporary Structure used for the growing, storage and sale, or any one of the foregoing, of trees as well as garden, household, and ornamental plants.

Grocery Store means a Retail Store which primarily sells food as well as other convenience and household goods.

Group Home means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation, supervisory and/or personal care to residents with social, physical or mental issues with at least one (1) staff person but does not include a Lodging House, Transitional Housing Facility, Tourist Accommodation or Home Occupation.

Group Home Limited means a residence that provides supervised living accommodation and personal care to residents that does not exceed a maximum of four (4) persons with social, physical or mental issues with a maximum of two (2) staff persons at any given time but does not include a Lodging House Limited, Transitional Housing Facility, Tourist Accommodation or Home Occupation.

Halo Lighting means a type of lighting that is used to illuminate Signs. Halo Lighting occurs when individually mounted opaque raised letters or symbols incorporate a back-lit, recessed light source behind mounted elements so that light source is not directly visible. The placement of Halo Lighting creates a “halo” or reflective rim effect around the mounted element so that it is visible in the evening or low light conditions.

Heavy Equipment Repair means an establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of Heavy Manufacturing.

Height means the vertical distance measured from average finished Grade to the highest point of the roof surface in the case of a Flat Roof, or the ridge of a gable, hip, or gambrel roof, and excluding such Structures as antennas, municipal water storage tanks, skylights, cupolas, elevator penthouses, mechanical penthouses, solar panels, chimneys, silos, smoke stacks, steeples and spires.

Heritage Inn means an Owner occupied establishment on a designated heritage resource that provides lodging to travelers on a short-term basis by way of a tourist accommodation.

Heritage Resource as defined in the *City of Charlottetown Heritage Preservation By-law*.

Home Occupation means an accessory use conducted in a portion of a Dwelling Unit, or within an Accessory Building, for pursuits which are compatible with a domestic household. A Home Occupation shall be clearly incidental and secondary to the Residential Use of the Dwelling Unit.

Hospital means a Building used for the observation, medical and dental care and supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill Persons.

Hostel means a supervised lodging establishment for travelers.

Hotel means a commercial Building providing temporary accommodations for travelers or transients, and may have one or more public dining rooms and convention meeting rooms.

Household means one (1) or more persons living together as a single nonprofit, independent housekeeping unit, sharing all areas of the Dwelling Unit with up to a maximum of four (4) tenants but does not exceed a maximum total of eight (8) persons when blended with tenants does not contain a Lodging Room(s) or is a Lodging House.

Industrial Uses means the use of a Building or Lot for the Manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

Institutional Use means any educational or religious use, museum, public library, fire or police station, public works, Hospital, Community Building, recreational, cultural or Open Space use.

Intersection means the area embraced within the prolongation of the lateral curb lines; or, if none, then a) the lateral boundary lines of the roadways of two roadways which join one another at approximately right angles, or b) the area within which vehicles, traveling upon different roadways joining at any other angle, may come in conflict.

Kennel means a Building or Structure where more than two Domestic Animals are kept for commercial breeding, showing, or boarding with or without veterinary care.

Land Use Buffer means a portion of any Lot or parcel of land that is set aside to serve as a visual and spatial separation "through the use of a landscaped berm, trees or a man-made feature such as a wall, fence, or walkway" between a specified land use that is carried out on the Lot and a different land use that is carried out on the adjacent Lot.

Landscaped Area means a portion of a Lot which is not used for Buildings or Structures, Parking Spaces or driveway, and which may contain any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a Building.

Laundromat means an establishment where individual washing machines and clothes dryers are operated by the customer or by an attendant, but does not include a pressure steam boiler, flat work ironing equipment, garment pressing, or shirt finishing equipment.

Level of Service of a street is a measure of its vehicular capacity. Six levels of service (A to F) are identified in the Transportation Association of Canada manual. Level of Service "A" is identified as

“free” vehicular flow with few conflicts or interruptions. Level of Service “F” is identified as highly congested stop-and-go with many vehicular conflicts and interruptions. The level of service for a particular street is a measure of speed and travel time, traffic interruptions or restrictions, freedom to maneuver, safety, driver comfort and convenience, and economy.

Lodging Home means a Building that supplies lodging and may provide meals for compensation to board between nine (9) to a maximum of sixteen (16) persons by way of providing Lodging Room(s), which is not open to the public but does not include a Group Home, Transitional Housing Facility or a Tourist Accommodation.

Lodging Home Limited means a Building that supplies lodging and may provide meals for compensation to board between five (5) up to a maximum of eight (8) persons by way of providing Lodging Room(s), which is not open to the public but does not include a Group Home Limited, Transitional Housing Facility or a Tourist Accommodation.

Lodging Room means a bedroom within a type of Lodging House which is exclusively used by the resident(s) of the bedroom, and is not accessible to persons other than the resident(s) of the bedroom.

Library means a Building containing printed and pictorial material for public use for purposes of study, reference and recreation.

Limited Car Rental Operation means a use that permits a maximum of 10 passenger motor vehicles (including light trucks, SUVs, and minivans) not exceeding 1 ton capacity that are rented to the public and may include the cleaning of such vehicles.

Loading Space means an area of land which is used for the temporary Parking of a commercial vehicle while merchandise or materials are being loaded or unloaded from the vehicle.

Long-term Rental means the rental of a dwelling unit for a period of 30 days or greater.

Lot means a parcel of land, whether or not it is shown as a Lot on a filed Plan of Subdivision, which is occupied by one or more Buildings, Structures, or uses, and including all Yards and Landscaped Areas required by this by-law, and is registered in the Prince Edward Island Registry of Deeds for Queens County.

> ***Corner Lot*** means a Lot situated at the corner or intersection of two Streets, of which two adjacent sides abut the intersecting Streets and contain an angle of not more than one hundred and thirty-five (135) degrees.
>
> ***Flanking Lot*** means a Lot situated at the intersection of three or more Streets.
>
> ***Interior Lot*** means a Lot abutting only a single Street.
>
> ***Lot Area*** means the total area within the Lot Lines of a Lot, excluding the horizontal area of a Lot usually covered by water or marsh, or beyond the edge of a river bank or Watercourse, or between the top and toe of a cliff or embankment having a slope of thirty degrees or more from the horizontal.
>
> ***Lot Coverage*** means the percentage of Lot Area covered by Buildings and Structures, but does not include Swimming Pools or Decks.

Lot Depth means the horizontal distance between the Front and Rear Lot Lines.

Lot Frontage means the horizontal distance between the Side Lot Lines measured at the minimum Front Yard Setback for the Zone as measured parallel to the Street. In the case of a Lot with Frontage on a curved Street boundary or irregular shape, the Lot Frontage means a line measured along the arc of the curve of the Street for the Lot and established by the minimum Front Yard Setback required for the Zone in which said Lot is located. Where a Lot abuts two Streets, the Lot Frontage means the lesser distance of the two Frontages.

Through Lot means a Lot bounded on two opposite sides by Streets.

Lot Line means any boundary of a Lot or the vertical projection thereof.

Interior Lot Line means any Lot Line that is not coincident with a Street.

Front Lot Line means the Lot Line abutting a Street.

Rear Lot Line means the Lot Line farthest from, or opposite to, the Front Lot Line.

Side Lot Line means a Lot Line other than a Front or Rear Lot Line.

Maintenance means those actions undertaken to prevent the deterioration of a Building or Structure, but does not include any Alteration, design change, and/or replacement where such replacement involves a change in design.

Manufacturing, Heavy means the production, compounding, processing, crating, bottling, packing, or assembly of raw or pre-processed materials including refining, smelting, forging, stamping, blanking, punch-pressing, or the Manufacturing of chemical products.

Manufacturing, Light means the production, compounding, processing, packaging, crating, bottling, packing, or assembly of raw or pre-processed materials, but excluding refining, smelting, forging, stamping, blanking, punch-pressing, and the Manufacturing of chemical products**.**

Marijuana Production Facility means premises used for growing, producing, testing, destroying, storing, or distribution of marijuana.

Marina means a public, private, or commercial dockage which provides repair facilities, boating supplies, and provisions for small pleasure craft.

Medical, Health and Dental Office means an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such uses as medical and dental offices, physiotherapy services, chiropractic services, counseling services, and ancillary clinic counseling services, but does not include Veterinary Services.

Mobile Canteen means any trailer or motorized vehicle used for the display, storage, or sale of food and/or non-alcoholic beverages on a temporary basis.

Municipal Services means piped water supply and sewerage services provided by the municipality and may include piped storm drainage.

Mural means a painting or graphic representation that is placed / painted on a Building. Murals may be decorative, or serve identification, advertising, or information purposes.

Number of Vehicle trips per day means the number of one way trips per day anticipated on a street.

Nursing Home means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.

Office means an establishment to accommodate professional, managerial, clerical services, consulting services, the administrative needs of business, government, and other organizations, or the sale of services such as travel agents and insurance brokers. A ***Government Office*** means a an office used by the public (federal, Provincial or municipal) sector government(s) including crown corporations and government agencies to conduct public administration or a person funded by a government to conduct programs or projects on behalf of the government(s).

Open Space means land which is inappropriate for Development by reason of distinctive natural or anthropological characteristics, or because of inherent or natural hazards such as susceptibility to flood or erosion which, if developed, may cause property damage or loss of life.

Outdoor Retail Display means an area of land where goods are displayed which are available for sale to the general public from a retail outlet located on the same Lot or on another Lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, Swimming Pools, decorative fountains, as well as prefabricated mini or Modular Dwellings and cottages.

Outdoor Storage means the storage of merchandise, goods, inventory, materials, equipment, or other items by locating them on a Lot exterior to a Building.

Owner means a person who legally owns a Lot and is a registered land Owner; or an executor, administrator, trustee, agent, or other person managing the subject Lot or Building for the registered land Owner.

Park means an area of land set aside for public recreational purposes and may include Passive and/or Active Recreational features such as playgrounds, walkways, tennis courts, lawn bowling areas, athletic fields, Swimming Pools, and includes accessory Buildings and Structures to the uses.

Parking Lot means an open area, other than a Street, containing Parking Spaces for two or more motor vehicles which is available for public use or as an accommodation for clients, customers, or residents, and which has adjacent access to permit access or egress of motor vehicles to a Street by means of driveways, aisles, or maneuvering areas where no parking or storage of motor vehicles is permitted.

Parking Space means a space designed for parking or storage of an automobile, and which has adequate space to permit access and egress to and from a Street by means of a driveway, aisle, or maneuvering area, and a Parking Space designed for the parking of a trailer truck, bus, motor home or other large vehicle shall, except for its necessary larger dimension, have a corresponding meaning.

Parking Structure means a covered or enclosed Building containing communal Parking Spaces for the Parking and/or storage of vehicles.

Passive Recreation means outdoor recreational activities, such as nature observation, hiking, and canoeing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on the site.

Pedway means an elevated, enclosed pedestrian walkway between Buildings, and a Pedway may cross a public Street or Right-of-way.

Permit means an official document giving authorization to proceed with a proposed action as regulated under this by-law and may include a Building Permit, Development Permit, Moving Permit, Demolition Permit, Occupancy Permit, Footing Permit or Sign Permit.

Personal Service Shop means a business premise in which people provide services directly for and to other individuals for their personal needs. Without limiting the generality of the foregoing, this definition may include a barber shop, hairdresser, aesthetician, shoe repair and shoe shining, tailor, laundry, and dry cleaning depots, but excludes the Manufacturing or fabrication of goods for retail or wholesale distribution**.**

Phase means one of two or more components of a Development project that represents work undertaken or proposed to be undertaken in a specified period of time.

Place of Worship means lands or Buildings used for worship by an association of Persons and May include such accessory uses as an assembly hall, a residence for the head of congregation and/or caretaker, a nursery school, and a school or religious education.

Plan of Subdivision means a plan or survey prepared by a registered land surveyor licensed to practice on PEI for the purpose of effecting the Subdivision of a parcel or parcels of land.

Planning Act means the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 of the Province of Prince Edward Island.

Planning Committee means the committee of Councilors who are members of the Planning Board.

Planning Board means the standing committee of Councilors and lay people as appointed by the Mayor and Council pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8.

Police Station means the Office or headquarters of the Charlottetown Police Department or the RCMP.

Porch means a covered Structure attached to the exterior of a Building with walls that are open and unenclosed to the extent of at least 50 percent, except by insect screening between floor and ceiling.

Port Land Uses means any land use or Building used support to port activities and that which is owned, managed or operated by the local port or harbour authority.

Principal Residence Unit means the Dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills.

Public Utility Service Operations means the land, Building(s) or Structure(s) of which the proprietor of the public utility maintains its Offices, or maintains and houses equipment used in connection with the

Utility Service, and includes a water or sewerage pumping station, water storage reservoir, substation, road salt storage facility or government owned garage.

Recreation or Fitness Center means a Building or part of a Building in which a recreational activity is performed and for which a membership or instruction fee may be charged and without limiting the generality of the foregoing includes weight-lifting, boxing or racquet sport clubs, martial arts school, and yoga and dance studios.

Recycling Depot means a Building, Structure, or land which is used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for reclamation, processing, or salvage, but shall not include any such salvage or processing on the same Lot or within any Building used as a Recycling Depot. "Salvage or Waste Disposal Facility" is a separate Use.

Secondary and Garden Suites Registy means a publically accessible registry or list of Secondary and "Garden" Suites which have been legally approved through the Building and Development Permit process .

Renovation means any change in a non-structural component of a Building or Structure and does not include an Alteration.

Research and Development Facilities means a building or place used primarily for the operation of scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restore means any actions undertaken which return a Building or Structure to a previous condition and appearance at a specific period of time.

Retail Store means an establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed Building. This definition may include supplementary postal services, film processing, repair or merchandise sold or rented by the store, and food consumption areas not exceeding 20 percent of the Gross Floor Area.

Retail Warehouse means a Building or Structure, or part thereof, where specific commodities are stored and sold. This definition includes home furnishings and products such as furniture and garden furniture, appliances, electrical fixtures, carpets, floor coverings, Building supplies, plumbing supplies, decorating supplies, catalogue sales, and sporting goods.

Rezoning means to assign a different land use Zone designation to a land are or a Lot.

Right-of-way means the entire area measured between opposite sidelines of a Street. It represents the area enclosed with an Easement or a fee acquisition, designated for road use which is available for road improvements such as curbs and gutters, sidewalk, roadbed pavement, bike facilities, pathways, grading, drainage facilities, utilities and other underground and overhead improvements.

Salvage or Waste Disposal Facility means an establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which may generate a detrimental impact or nuisance. This definition refers to uses such as salvage and scrap yards, garbage container services, and effluent tanker services. "Recycling Depot" is a separate Use.

Satellite Dish means an antenna and attendant processing equipment for the reception of electronic Signals from satellites.

Secondary Plan means a plan prepared in detail taking into consideration the physical, social and economic benefits of Development for an area and outlining a Development Plan to achieve the long-term objectives and policies of the City for this area. This plan should guide all future types of Development and outline any anticipated expenditures of the City for this area.

Secondary Suite means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling unit constitute a single real estate entity.

Service Repair Establishment means a Building, or part thereof, for the servicing or repairing of articles, goods, or materials, but shall not include Manufacturing or motor vehicle repair**.**

Servicing standards are stipulated in this by-law to provide for the regulation of right-of-way improvements to be dedicated to the public and accepted by the municipality as a result of the land development process. The Standards are intended to keep the operating cost of maintaining public facilities at a reasonable level and at the same time provide for the service and protection of the public.

Setback means the distance between the Lot Line and the nearest point of the exterior wall of the Building or a Structure or another part of the Building or Structure if specified elsewhere in this by-law.

Shopping Centre means a commercial Development containing three (3) or more retail business establishments conceived and designed as a single Structure; or a comprehensively planned commercial Development project of two or more Structures and multiple retail businesses with appropriate relationships between the Buildings, activities, Open Spaces, Parking areas, Loading Spaces, driveways, other shared facilities, public areas, and adjoining Streets, and held in single or multiple Ownership.

Short-term Rental means the rental of a dwelling unit or a portion of a dwelling unit (including a secondary suite within a dwelling) for a period of less than 30 consecutive days.

Sign means any Structure, device, light, painting, or other representation or natural object which is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business; or which displays or includes any letter, work, model, Banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from on or off the premises or from a Parking Lot, excepting any Signs which are affixed to the inside of a window or glass door.

> ***Abandoned Sign*** means a Sign or Signs Structure which has no advertisement and/or name or has missing parts or advertises a product or service which Use is no longer associated with the Lot or Building for a period of 90 days.
>
> ***Animated Sign*** means any Sign that incorporates animation or video, or contains a Sign Face that moves in whole or in part. Animated Signs do not include clocks, date or temperature displays, or Electronic Signs that display changing static messages.
>
> ***Awning / Canopy Sign*** means a Sign that is painted or affixed flat to the surface of an Awning / Canopy, and does not extend beyond the limits of said Awning / Canopy.

Banner means a temporary Sign that is composed of lightweight, non-rigid material such as cloth, canvas, nylon, or similar fabric, either enclosed or not enclosed by a rigid frame. Banners shall not include Theatre Show Posters.

Billboard Sign means a large ground Sign or fascia wall Sign which is not related to any business or Use located on the Lot or premises.

Building Identification Sign a Sign that identifies the name of the Building and/or year that it was constructed. This type of Sign typically includes text carved into stone at the top of the Building, or incorporating text into the Building's construction materials at the time the Building was originally constructed.

Construction Sign means a Sign indicating that a Building project (on the same Lot) is about to be undertaken, or is currently in progress and may display the name and contact information of the project, owner, contractor, consultant, and/or architect affiliated with the construction.

Directional Sign means a type of Free Standing Sign that directs people or traffic, or indicates the direction or route from the Sign to a Business Premise(s), entryway, place, or event upon which the Sign is erected. Directional Signs shall not contain advertising aside from one corporate logo.

Election Sign means a Sign erected to support the election of a particular candidate or the support for a particular cause at a municipal, provincial or federal election.

Electronic Sign means an electronic Sign that automatically displays information / messages to the public by way of a pre-arranged sequence(s) of letters, numbers, words, or images that are generated by the illumination of tubes, bulbs, LEDs, or similar electronically controlled technology. Each individual message and/or image displayed on an Electronic Sign shall be static in nature, and shall not incorporate animation, videos, moving effects, or changes in intensity of illumination.

Fascia Sign means a Sign attached, painted on, applied to or Erected horizontally parallel against the face of a Building for the purpose of identification of a business or occupancy.

Feather Banner means a temporary lightweight Sign that is comprised of a partial metal or plastic frame, pole, or bottom, which is attached to the ground, and upon which a cloth, canvass, nylon, or similar fabric Sign Face is attached. Feather Banners may also be referred to as a "flutter", "teardrop", "flying", "wing" or "blade" Banners.

Flashing Sign means a Sign which includes or reflects an intermittent, flashing or oscillating light source or which includes the illusion of intermittent, flashing, or oscillation light by means of animation, externally mounted light sources, moving lights, beacons, etc.

Free Standing Sign means a Sign supported independently of a Building which is permanent affixed to the ground. A Free Standing Sign may advertise all Business Premises that are located on the subject property at the discretion of the property owner.

Illuminated Sign means a Sign which provides artificial light directly or through any transparent or translucent material from a source of light connected with such Sign, or a Sign illuminated by a light focused upon or chiefly directed at the surface of the Sign.

Inflatable Sign means a Sign or advertising device designed to be airborne and tethered to the ground or any other Structure and shall include balloons and any other inflatable advertising device.

Menu Sign means a Sign erected as part of a drive-through facility, and is used to display and order products and services available at that location.

Mobile Sign means an outdoor advertising Structure placed for the purpose of promotion of a business or product and which May be fixed to wheeled Structure and Designed to be moveable either by towing or easily loaded to a vehicle for transport.

Non-conforming Sign means a Sign that is lawfully in existence at the effective date of this by-law, but does not comply with the provisions hereto.

Off-premise Sign means a Sign which advertises or identifies a business, person, service, or product that is not available at the property upon which the Sign is located. Off-premise Signs do not include approved Sandwich Board Signs or Temporary Signs for Special Events.

Projecting Sign means a Sign which projects from and extends beyond a wall and is usually hung at right angles to the face of a Building for the purpose of promotion of a business or product.

Reader Board means a Sign on which the message can be changed manually through the use of attachable letters, numbers, and pictorial panels.

Real Estate Sign means a Sign for the purpose of advertising the sale, rental, or leasing of a Building or Lot.

Roof Sign means any Sign Erected or painted upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Rotating Sign means any Sign or portion of a Sign which moves in a revolving or turning manner.

Sandwich Board Sign means an “A” shaped Sign which is constructed of two panels that are connected at one end, placed on the ground, and capable of being readily taken on and off of a site.

Sequential Sign means two or more Signs used in series to convey a cohesive message related to the subject matter, each Sign message being dependent upon the other.

Special Event Sign means a sign not exceeding 32 sq ft and erected for a period not to exceed 21 days and is placed for the purpose of promoting Special Events and Festivals within the City.

Temporary Posters means a temporary lightweight poster, which is erected on the Building wall of specified properties. Temporary Posters fall into one of two categories:

Theatre Show Posters means a poster that is erected on a Theatre in the 500 Lot Area and advertises a live theatrical performance, event, or series of events that are being held at said Theatre.

***Sporting Event Posters*:** means a poster that is erected on the Civic Centre & Trade Centre (PID 365809 & 765743) which advertises sport team(s) that play at, or live sporting events, games, or tournaments that are held at said properties.

Vehicle Sign means a Sign attached to, painted on or mounted on a parked vehicle or trailer not normally used in the daily activity of the business, with the Sign visible from a public location so as to act as a Sign for the advertisement of products or to direct people to a business or activity.

Window Sign means painted, gold leaf, or otherwise affixed Signage on display windows or door windows for the purpose of identifying a business name or proprietor's name.

Sign Area means the total area within the outermost frame or edge of a Sign. Where a Sign is not bounded by a frame or edge, or the Sign is composed of individual letters, numbers, or symbols, Sign Area means the area contained within the smallest square or rectangle that encloses the grouping of letters, numbers, or symbols that conveys a message.

Sign Band means the flat, horizontal area that is integrated into the architectural detailing of a façade, usually immediately above the storefront but below the second story windows, where fascia Signs are historically erected.

Sign Face means a side of a Sign where an advertisement, message, or graphics may be placed.

Sight Triangle Area means the triangular shaped area which is that part of and within a Corner Lot measured from the intersection of the projected curb line of two intersecting streets 6m (19.7ft) along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a Height of 1 m (3.3ft).

Special Event means an event such as a festival or large sporting event which is organized to promote tourism within the City or that is organized or sponsored by a recognized nonprofit organization, fraternal Organization, religious organization, or Government Body, for the purpose of raising awareness on an important issue or initiative, celebrating a civic holiday or historical event, or providing entertainment to the community.

Stepback means a specified horizontal recess from the top of a Streetwall, which shall be unobstructed from the Streetwall to the sky except as otherwise specified.

Storage Facility means a Building or Structure consisting of individual storage units accessible by the user, used or the storage of goods, wares, merchandise, items or things.

Storey means that portion of a Building which is situated between the top of any floor and the top of the floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a Building partly below Grade level shall not be deemed a Storey unless its ceiling is at least 6 ft above Grade and provided that any portion of a Storey exceeding 14 ft in Height shall be deemed an additional Storey for each 14 ft or fraction thereof.

Street includes roads and highways. The terms street, road, and highway are used interchangeably and refer to the Rights-of-way used for vehicular traffic.

> ***Future Street*** means a parcel of land, delineated on a subdivision plan to be used as a street at some point in the future. The title of the land vests in the municipality upon the filing of the subdivision plan, however the responsibility for installing required Municipal Services to develop lots off of such a Street is borne entirely on the developer.
>
> ***Private Street (shared driveway)*** means a Street within private property that is privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Private roads are not designed to the same standards as Public Streets. Municipal services may be provided when Development approval is sought if the Lot satisfies all servicing standards as prescribed by the municipality.
>
> ***Public Street*** means the whole and entire Right-of-way of every Street allowance vested in the Government of Canada, Province of Prince Edward Island, or the City used as a highway, arterial, collector or local street in accordance with servicing standards prescribed by the municipality, and available to the public for pedestrian use or vehicular transportation.
>
> ***Undeveloped Street*** means a Right-of-way that is either owned by the municipality or privately owned and has either historically existed for a long period of time (over 20 years) providing some level of public access or was delineated on a subdivision plan in the past but was never serviced to city standards.

Streetline means the division line between a Street and a Lot providing the primary access to any Lot and abutting along its length the required Lot Frontage.

Streetline Grade means the elevation of a Streetline at a point that is perpendicular to the horizontal midpoint of the Streetwall. Separate Streetline Grades shall be determined for each Streetwall segment that is greater than 38 m (124.7 ft) in width or part thereof.

Streetwall means the wall of a Building or portion of a wall facing a Streetline that is below the Height of a specified Stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

Streetwall Height means the vertical distance between the top of the Streetwall and the Streetline Grade, extending across the width of the Streetwall.

Streetwall Setback means the distance between the Streetwall and the Streetline.

Structure means anything that is Erected, built, or constructed of parts joined together, or any such Erection fixed to or supported by the soil or by any other Structure. This term includes Fences exceeding 1.8 m (5.9 ft) in Height and Signs.

Subdivision means the division of a parcel of land into two or more Lots; the consolidation of two or more contiguous Lots to create a new Lot; or the attachment of a part of a Lot to another Lot contiguous to that part to create a new Lot, by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat that transfers or creates an estate or interest in the

new Lots created by the division, or in the new Lot created by the consolidation or the attachment, as the case may be.

Swimming Pool means an artificial body of water intended to be a permanent Structure which is used for swimming or wading purposes and which has a possible water depth greater than 0.6 m.

Theatre means a Building, or part of a Building, devoted to showing motion pictures, or for dramatic, musical, or live performances.

Tourist Accommodations means temporary accommodations for travelers or transients within a Dwelling to provide accommodation and breakfast for remuneration, but a Hotel is a separate use and are separately defined.

Trail System means an area used for hiking, walking, biking, cross country skiing or other similar forms of non-motorized recreational travel.

Traffic impact studies may be required to assess the potential traffic impacts of a land development project. Official Plan and Zoning and Development policies for the preparation of traffic impact studies establish thresholds for when a traffic study is needed and when a traffic impact occurs. In addition to the criteria established within these policies, a focused traffic impact study may be required to address local and/or residential street issues.

Transitional Housing Facility means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or temporary placement of people to be reestablished into society after receiving supervised care/rehabilitation at a previous facility but does not include a Group Home, Lodging House, Nursing Home, Hotel, Motel or a Hostel.

Transport Terminal means the use of land, Buildings, or Structures for the purpose of storing, servicing, repairing, or loading of aircraft, trucks, transport trailers and/or buses.

Transportation Service means an establishment for aircraft and/or vehicles to transport people, documents, and packages. This term refers to uses such as aircraft carriers, bus lines, transit services, taxis, limousine services, and courier services.

Underground Parking means on-site parking contained within or under the footprint of a main Building or Structure on a Lot.

Undeveloped Land means land that has not yet been subdivided into Lots and which has not been provided with Municipal Services.

Utility Services means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunication system.

Variance *(including Minor Variance and Major Variance) means* an authorized relaxation from the standards imposed by regulations made under this by-law within the limits specified with respect to lot size or dimensions, setbacks, area or the height or size of a structure.

Veterinary Services means the provision of services by veterinarians for the purposes of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and may also include the retailing of pet supplies.

View Plane means the line of sight from one or more vantage points that will allow a viewer to obtain a reasonably unobstructed view of a specific scene or location.

Warehouse and/or Distribution Centre means an establishment used primarily for the storage, wholesaling, and distribution of goods and materials. This definition also includes self-storage units.

Watercourse shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

Welding and Metal Fabrication means the stamping, drawing, grinding, machining, turning, heat treating, galvanizing, plating, coating or other metal processing or metal fabricating including pipe or tube fabrication and including the production of recycled metals entirely from scrap.

Wetland shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended and in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

Windmill means a device which converts energy to mechanical or electrical energy.

Yard means an open, uncovered space on a Lot appurtenant to a Building, except a court bounded on three or more sides by Buildings.

> ***Flankage Yard*** means the Side Yard of a Corner Lot, and which Side Yard abuts a Street or proposed Street shown on an approved survey plan. Required Flankage Yard or minimum Flankage Yard means the minimum Side Yard required by this by-law where such Yard abuts a Street.
>
> ***Front Yard*** means a Yard extending across the full width of a Lot and between the Front Lot Line and the wall of any main Building or Structure on the Lot. Required Front Yard or minimum Front Yard means the minimum depth required by this by-law of a Front Yard extending across the full width of a Lot and between the Front Lot Line and the wall of any Building or Structure on the Lot.
>
> ***Rear Yard*** means a Yard extending across the full width of a Lot and between the Rear Lot Line and wall of any main Building or Structure on the Lot. Required Rear Yard or minimum Rear Yard means the minimum depth required by this by-law of a Rear Yard on a Lot between a Rear Lot Line and the wall of any Building or Structure on the Lot.
>
> ***Side Yard*** means a Yard extending between the Front Yard and the Rear Yard and between a Side Lot Line and the wall of any Building on the Lot. Required Side Yard or minimum Side Yard means the minimum breadth required by this by-law of a Side Yard on a Lot between a Side Yard line and the wall of any Building or Structure on the Lot.

Zone means a designated area of land shown on the Zoning Map of the by-law within which land uses are restricted to those specified by this by-law.

Zoning Enquiry means an application to request confirmation of the Zone and permitted land uses of a property.

APPENDIX B. COMPREHENSIVE DEVELOPMENT AREA (CDA) PARCELS AND PERMITTED USES

The following properties are in the Comprehensive Development Area (CDA) Zone and the permitted uses for each property are indicated in the table.

STREET	PID NUMBER	EXISTING USE	LOT AREA
Malpeque Road - East Side			
	Portion of PID#145961	Agricultural	19.00
	Portion of PID#145961	Equipment Sales	5.00
	901025	Heavy machinery sales and service	
	739433	Agricultural	19.64
	388298	Office, well drilling equipment and storage	7.84
	388272	Home	1.00
	388264	Vacant	0.28
	388256	Home	0.275
	502476	Home	0.55
	388249	Home	19.00
	388231	Vacant	0.282
	388223	Vacant	1.00
	889428	Vacant	26.18
Malpeque Road - West Side			
	145177	Vacant	48.00
	388314	Vacant	5.00
	577593	Vacant	1.20
	577585	Home	1.20
	388306	Home	0.74
	469841	Offices	3.00
	388280	Home and farm	29.30
	568774	Home	0.52
	462739	Home	0.73
	462721	Home and greenhouse	0.45
	469718	Vacant	1.03
	388207	Vacant	7.00
Malpeque Road - East Side South of Bypass			
	388215 (Remnant)	Vacant	26.33
	Portion of 388215	Retail Store	3.7

Malpeque Road - West Side South of Bypass			
	387621	Home and farm	18.00
Mount Edward Road - West Side South of Bypass (Unless otherwise noted, the following lots have or are allowed a residential building on the street with the back portion vacant and under the CDA Zone)			
	390740		22.68
	390740	143 residential dwelling units; Phase I - seven (7) unit townhouse and a 48-unit apartment building on 2.5 acres of land; Phase II - 40-unit apartment building and a 48-unit apartment building on 2.55 acres of land.	5.05
	492405		0.34
	390757		2.222
	390690		3.60
	390682		1.00
	390674		4.00
	390641		0.57
	390633		4.30
	390625		3.661
	390583		0.69
	390575		0.50
	390559	Amend an existing development concept plan and development agreement in the CDA zone to facilitate a mixed-use development	11.00
	390534	Amend an existing development concept plan and development agreement in the CDA zone to facilitate a mixed-use development	3.60
	390542	Rezone property to facilitate a mixed-use development	0.183
	390468	Two 32-unit apartment buildings; One 60-unit apartment building; One Community Care building with maximum 90 rooms and 8,000 square feet of commercial space; One 48-unit apartment building; One 24-unit apartment building; Thirty-seven (37) townhouse units; and Fourteen (14) semi-detached units	14.90
	390443		2.70
	390393		2.00
	390385		9.60
	390336	Cable station, antennae, tower	6.70
	390302		1.999
	390294		2.00
	390278		0.50
	390260		1.28
	684472		0.68
	390237		1.144
	1076686	Amend the original Development Concept Plan pertaining to Lot 2014-3 Michelle Crescent subject to the setbacks for the proposed buildings meeting the R-3 Zone requirements with the exception of the rear yard setback for the building being 16 feet.	2.82

	1076728	Amend an existing development concept plan and development agreement in the CDA Zone from two (2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units and increase the height from 50 ft. to 62 ft. for Lot 2014-6 Towers Road	2.17
53 Towers Road	1076702 (Lot 2014-5)	Amend an existing development concept plan and development agreement in the CDA Zone to increase the density on the lot from 60 to 62 units.	1.90
	1076694	Amend an existing development concept plan and development agreement in the CDA Zone from a community care building with a maximum of 90 rooms and 8,000 sq. ft. commercial space included within the building to a 74-unit apartment building.	2.12
Experimental Farm			
	279224	Agricultural, Ravenwood, offices, agricultural research bldgs	68.60
	372896	Research Station, Farm Centre, Farmer's Market and land	58.50
	421669	Office and radio/television station for CBC	2.69
	372904	RCMP Detachment	2.066
University Avenue			
	387902	Vacant	18.00
	373126	Canada Games Facility and Open Space (Phase I of Master Plan for UPEI Campus)	36.00
Riverside Drive and North of Grafton Street			
	278739	Harness racing and associated uses	22.34
	365684	Harness racing and associated uses	4.52
	278853	Industrial - fertilizer warehouse and offices, some vacant land	6.91
	365916	Plumbing, office and warehouse	1.07
	365593	Warehouse, storage, office, sign storage, parking for Dept T&PW	6.30
	471821	Outdoor storage of sand for Dept of Transportation & Public Wks	7.96
	365668	Fuel storage tanks, service station/convenience store	3.70
	365924	Electric utility power grid	0.64
	365619	Bakery	0.34
	365601	Offices	0.23
	365643	Restaurants (Wendy's, Tim Hortons)	1.71
	408062	Dental Office	0.34
	825927	Parking and open space	4.86
	776658	Fuel storage tanks, service station	10.85
South of Grafton Street			
	336545	Pumping station	0.138
	338921(portion)	Entertainment/Concert Venue/Parking /Digital Signage	10.75
	341396	Warehouse for utility power plant	0.30
	679381	Parking Lot (Holland College)	2.41
	338921	Utility power plant and grid, vacant land	10.75
	341537	Auto sales, car wash	0.62
	341545	Repair shop, automotive parts, tin shop	0.23

	342162	Vacant land, power grid	0.368
	341552	Service station	0.50
	825943	Entertainment/Concert Venue/Parking	6.98
Charlottetown Airport - East Royalty Road			
	134114	Agricultural	126.00
	192476	Agricultural	7.00
	192492	Residential (single family & semi-detached dwellings)	6.81
	192500	Agricultural	15.71
Upton Farm			
	768473	Green space with trails	11.01
	386532	Nursing Care Facility (approx. 15 acres), remaining green space with trails	60.07
Acadian Drive			
	425892	Development of a mental health and acute care campus as well as a mixed-use development in the area	75.43
	691162	Development of a mental health and acute care campus as well as a mixed-use development in the area	3.47
Upton Road and Charlottetown Perimeter Highway			
	Portion of PID# 773051	Residential	3.34

APPENDIX C. APPROVED SITE SPECIFIC EXEMPTIONS

The following properties have been subject to a site or area specific amendment or amendments to the permitted uses or regulations by way of an amendment to a zone for a particular property or properties:

Zone	PID	Civic Address	Use	Regulation
Downtown Mixed Used Neighbourhood (DMUN)	339994	99 Pownal Street	Fitness Centre	
Medium Density (R3)	357756,361519,361527,584755,361535,361683,361675,361667,361659	49 Chestnut Street, 51 Chestnut Street, 57 Chestnut Street, 59 Chestnut Street, 61 Chestnut Street, 18 Passmore Street, 26-30 Passmore Street, 32 Passmore Street and 24 Passmore Street	Four storey building with 48 dwelling units, 10 home occupation, and 4,766 sq ft of commercial space	
Downtown Neighbourhood (DN)	344861, 344887, 344895, 344903, 344911	275 Kent Street , 281 Kent Street 285 Kent Street, 291 Kent Street and 295-297 Kent Street	Educational Institution	
Business Office Commercial (C-1)	669796. 751701	184 Belvedere Avenue	Commercial (Dental Clinic)	To increase the maximum floor area permitted for a commercial use from 310 sq m (3,336.9 sq ft) to 953.2 sq m (10,260 sq ft) to permit the construction of an addition with a building footprint of 92 sq m (990 sq ft).
Waterfront (WF)Zone	841528	8 Stan MacPherson Way	Mixed use (office space, retail, community centre)	To amend the Waterfront (WF) Zone as it pertains to 8 Stan MacPherson Way (portion of PID #841528) in order to permit Automobile Sales and Services (car rental only) as a permitted use for a maximum of 15 rental vehicles.
Business Office Commercial (C-1)	600411	33-35 Longworth Avenue	Crematorium for existing funeral establishment	To amend the Business Office Commercial (C-1) Zone as it pertains to 33-35 Longworth Avenue (PID# 600411) in order to permit a crematorium in the existing funeral establishment.

Highway Commercial Zone (C-2)	386557	300 Capital Drive	Hotel	To amend the Highway Commercial Zone (C-2) Zone as it pertains to 300 Capital Drive (PID #386557) in order to permit a six storey (73ft in height) hotel.
Medium Density Residential (R-3)	356485	355 Queen Street	Take-out restaurant in existing convenience store	A site specific amendment to the Medium Density Residential (R-3) Zone as it pertains to 355 Queen Street (PID #356485) in order to permit a take-out restaurant (maximum of 75 sq. ft in area) to operate within the existing convenience store
Downtown Neighbourhood Zone (DN)	338608	246 Sydney Street	Inn	A site specific amendment to the Downtown Neighbourhood Zone (DN) as it applies to 246 Sydney Street (PID# 338608) in order to permit three fascia signs and to permit short and long term rental of 22 apartment units.
Institutional (I) Zone	1068584	141 Mount Edward Road	Community care facility	A site specific amendment to the Institutional (I) Zone of the Zoning & Development Bylaw as it pertains to 141 Mount Edward Road (PID #1068584) to permit an addition which includes 18 residential apartment units.
Medium Density Residential (R-3) Zone	357756, 361519, 361527, 584755, 361535	49 Chestnut Street ,51 Chestnut Street ,57 Chestnut Street 59 Chestnut Street and 61 Chestnut Street	27 unit apartment building	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes five variances) as it pertains to 49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755) and 61 Chestnut Street (PID# 361535), in order to permit a 27 unit apartment building.
Medium Density Residential (R-3) Zone	361683,361675, 361667, 361659	18 Passmore Street , 26-30 Passmore Street , 32 Passmore Street and 34 Passmore Street	16 unit apartment building	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes one variance) as it pertains to 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659), in order to permit a 16 unit apartment building.

Downtown Neighbourhood (DN)	339911, 339929	55-59 Richmond Street	23 unit apartment building	A site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).
Medium Density Residential (R-3)	358812	151-153 Euston Street	Law Office	A site specific amendment to the Medium Density Residential (R-3) Zone of the Zoning & Development Bylaw as it pertains to 151-153 Euston Street (PID #358812) in order to locate a law office within the existing building
Downtown Mixed Used Neighbourhood (DMUN)	340265	80 Grafton Street	Five (5) storey mixed-use development	To construct a five (5) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide fifteen of the required parking spaces off-lot in the Pownal Parkade (100 Pownal Street, PID #340414) for a period of not less than 10 years with the rest of the required parking spaces to be paid through cash-in-lieu ($6,000 per parking space required)
Single-Detached Residential (R-1L)	390963	185 Brackley Point Road	Automobile Body Shop and a Transportation Service establishment (taxi stand)	Site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning & Development Bylaw as it pertains to 185 Brackley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses
Industrial (I)	373126	550 University Ave	Educational Institutional	To allow the proposed nine (9) storey (35.4m) dormitory/residence to be constructed on the property which exceeds the maximum building height in the Institutional (I) Zone.
Waterfront (WF)	1105451	7-9 Pownal Street	Mixed-use residential building	To allow residential dwelling units and office use on the ground floor under Section 34.2 Permitted uses at Grade on Walkable Streets.
Downtown Mixed-Use Neighbourhood (DMUN) Zone	342790	199 Grafton Street	Mixed-use residential building with parking spaces	To permit a six (6) storey apartment building as it applies to 199 Grafton Street (PID #342790) by amending "Appendix C – Approved Site Specific Exemptions" as per Section 3.11 Site-Specific Exemptions of the Zoning and

Development Bylaw (the “Bylaw”) to exempt 199 Grafton Street (PID #342790) from certain provisions of:

i. Section 30.2 “Regulations For Permitted Uses” in the Downtown Mixed Use Neighbourhood (DMUN) Zone; and,
ii. Section 30.3 “Bonus Height Development Standards” in the Downtown Mixed Use Neighbourhood (DMUN) Zone

in order to allow a six (6) storey, 84-unit apartment building with parking located within and under the building.

The following are the variances comprised within the site specific exemption for the property:

- Height variance to six (6) storeys if bonus height is approved under section 3.12 of the Bylaw. 60.7 ft. is permitted. The proposed height is 70.4 ft.; therefore, a 9.7 ft. variance is required.
- Height variance to four (4) storeys if bonus height is not approved under section 3.12 of the Bylaw. 39.4 ft. is permitted. The proposed height is 47.6 ft. to the top of fourth storey; therefore, an 8.2 ft variance is required.
- Flankage yard variance along Clark Street. 7.9 ft. is required for the base building setback. The proposal is for a 2 ft. setback; therefore, a 5.9 ft. variance is required.
- Step back above fourth storey on Clark Street. It requires a 9.8 ft. step back from base building; therefore, combined with the required setback, a 15.7 ft. variance is required.
- If bonus height is approved under section 3.12 of the Bylaw, lot width for bonus height on Hillsborough Street. 98.4 ft. of frontage is required. There is 74.5 ft. of frontage along Hillsborough Street; therefore, a 23.9 ft. variance is required.
- Side yard setback to the building located at 142-146 Prince Street. A 3.9 ft. setback is required to be equal to the side yard setback of the existing building at 142-146 Prince Street. The setback for the proposed building is 1.96 ft.; therefore, a 1.94 ft variance is required.
- An exemption from Section 7.11.3 of the Zoning and

	Development Bylaw for the parking structure which states: ○ "Where a parking structure fronts on a street, ○ The ground-level façade shall incorporate retail, public or other active uses, as well as provide pedestrian amenities such as an awning, canopy, or sheltered entryway; and, ○ The front façade shall be designed to conceal the parking levels and gives the visual appearance of a multi-storey building articulated with bays and window openings.

APPENDIX D. LANDSCAPE STANDARDS, SPECIFICATIONS & SPECIES LIST

New planting sites for trees must meet the following criteria:

Along the street planting sites will be setback the recommended distance of 4m (13.1ft) from the curb. When this cannot be achieved planting sites may be positioned up to a minimum setback of 2m (6.5ft) on smaller streets. Large statured trees cannot be placed underneath existing utility transmission lines.

Plantings should not impede sight lines or create a visibility hazard. Plantings should be near the City property line. If room allows, trees can be planted on public property but must follow the setbacks outlined below:

Tree Sizing Requirements:

Caliper minimum size: 55mm
Root ball minimum size: 70cm

Setback for trees:

Streets, lanes and sidewalks – 2m (6.5ft)
Fire hydrants - 3m (9.8ft)
Electrical boxes on ground – 2m (6.5ft)
Sewer/water grates – 2m (6.5ft)
Surface utility equipment – 3m (9.8ft)
Underground services – 3m (9.8ft)
Private approaches – 3m (9.8ft)
Light poles and poles with transformer boxes in residential areas - 6m (19.6ft)
Bus stops - 8m (26.2ft) from the approach direction
Stop signs - 8m (26.2ft)
Light poles and poles with transformer boxes on arterial roads - 10m (32.8ft)
Signal regulated street intersections - 10m (32.8ft)

Setback for Shrubs:

Surface utility equipment – 0.5m (1.6ft)
Streets, lanes and sidewalks – 1m (3.3ft)

These plants have been identified by the PEI Invasive Species Council as invasive and shall not be planted on properties within the City of Charlottetown:

Non-Permitted Invasive Species List:

Norway maple, *Acer platanoides*
Manitoba maple, *Acer negundo*
Sycamore maple, *Acer pseudoplatanus*
Scots (Scotch) pine, *Pinus sylvestris*
Silver (White) poplar, *Populus alba*
European mountain ash, *Sorbus aucuparia*
Sycamore maple, *Acer pseudoplatanus*

White fringe tree, *Chionanthus virginicus*, is also a host to emerald ash borer (EAB). Avoid planting to help
combat EAB.
Glossy buckthorn, *Frangula alnus, Rhamnus frangula*
Common buckthorn, *Rhamnus cathartica*
Blackthorn, *Prunus spinosa*
Scotch broom, *Cytisus scoparius, Sarothamnus scoparius*
Salt cedar (Tamarisk), *Tamarix spp.*
Oriental bittersweet, *Celastrus orbiculatus*
Virginia creeper*, Parthenocissus quinquefolia, Parthenocissus vitacea*
Multiflora rose, *Rosa multiflora*

Species of Note

Ribes spp. (currents and gooseberries) can be the secondary host for white pine blister rust which is a devastating disease for white pine trees.

Berberis spp. (barberry) can be an alternate host for stem rust of wheat.

American elms, *Ulmus americana*, are susceptible to Dutch elm disease (DED). Cultivars and hybrids have been developed that are resistant to DED and are good alternatives to native elm trees. All true ash trees are susceptible to emerald ash borer (EAB). There are two ash species native to Prince Edward Island – white ash, *Fraxinus americana* and black ash, *Fraxnius nigra*. Choose alternate species to plant. If planting native ash trees, also plant a variety of other species to increase biodiversity.

APPENDIX E. WATERCOURSE AND WETLAND ENVIRONMENTAL BUFFER

The following information is provided for reference only. The Watercourse and Wetland Environmental Buffer is regulated under the provincial *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9*, Watercourse and Wetland Protection Regulations* and is subject to change accordingly.

Environmental Protection Act Cap. E-9 7
Watercourse and Wetland Protection Regulations
PART III – BUFFER ZONES

3. (1) Where a watercourse is solely a landlocked pond

(a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and

(b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

(2) Where a wetland is solely a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow

(a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and

(b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

(3) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, alter or disturb the ground or soil within 15 metres of a watercourse boundary or a wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

(4) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, engage in or cause or permit the engaging in any of the following activities within 15 metres of a watercourse boundary or a wetland boundary:

(a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rocks, or aggregate;

(b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;

(c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;

(d) operate heavy equipment or a motor vehicle, other than

(i) upon a highway,

(ii) upon a private road, right-of-way, or driveway which was approved prior to the enactment of these regulations by the provincial government or a municipal government in a building permit or a subdivision plan, or

(iii) for the conduct of activities directly related to the legal harvesting of a fishery resource, the legal removal of beach material, or the cultivating of an agricultural crop;

(e) disturb, remove, alter, disrupt or destroy the ground in any manner;

(f) cut down live trees or live shrubs;

(g) cultivate an agricultural crop;

(h) spray or apply pesticides in any manner.

(5) The land within 15 metres of a watercourse boundary or a wetland boundary referred to in subsections (3) and (4) shall be known as a buffer zone.

(6) For the avoidance of doubt, clause (4)(f) does not prohibit the pruning of trees or shrubs in a buffer zone, provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4).

(7) The planting of grass, trees or shrubs is exempted from the prohibitions in subsection (3) and clause (4)(e), provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4), and provided that only hand tools are used.

(8) The use of a ride-on lawn mower to cut grass in a buffer zone is exempted from the prohibition in clause (4)(d). (EC720/08)

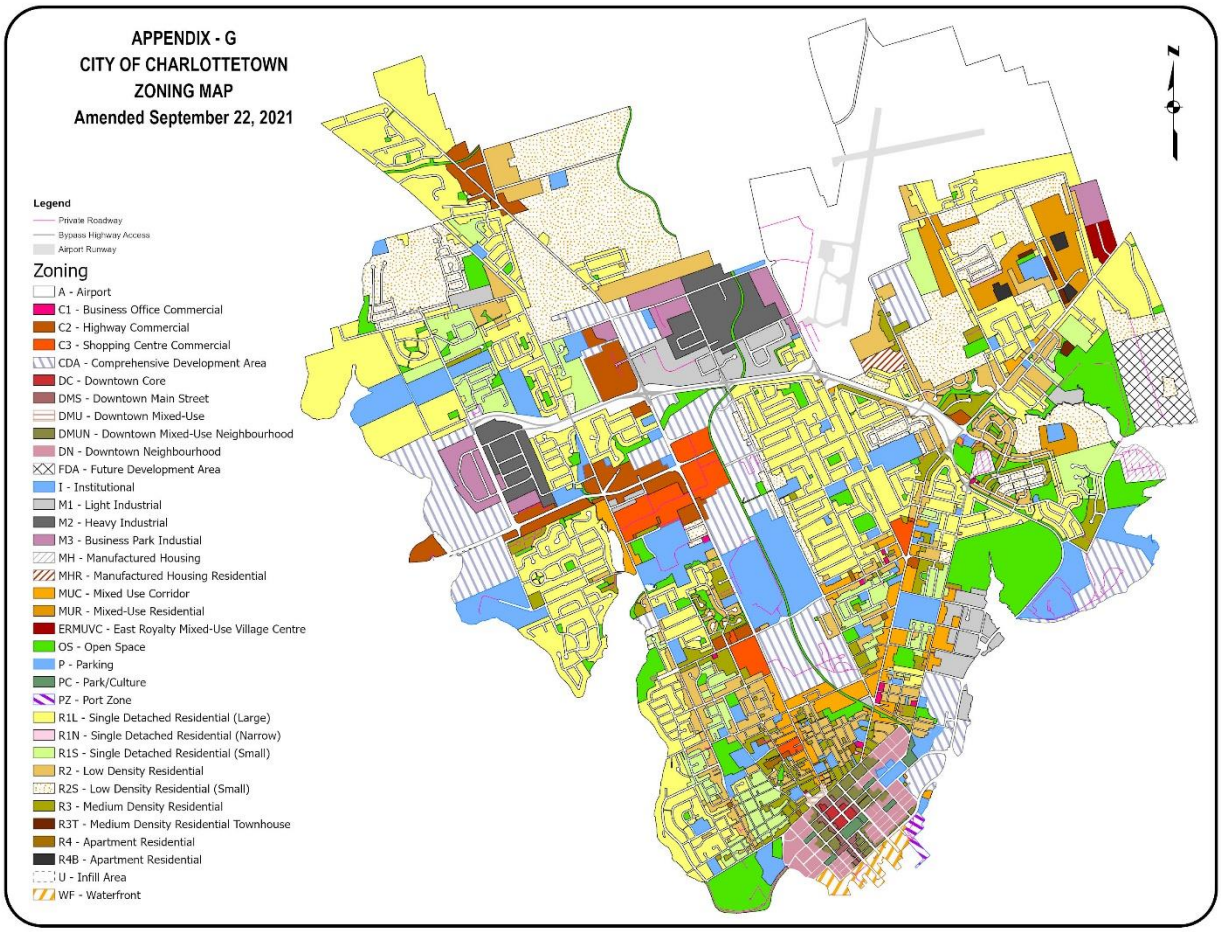
APPENDIX F. FEE SCHEDULE (EFFECTIVE JUNE 10, 2019)

Refer to Fees Bylaw (2018-18) of the City of Charlottetown for Details

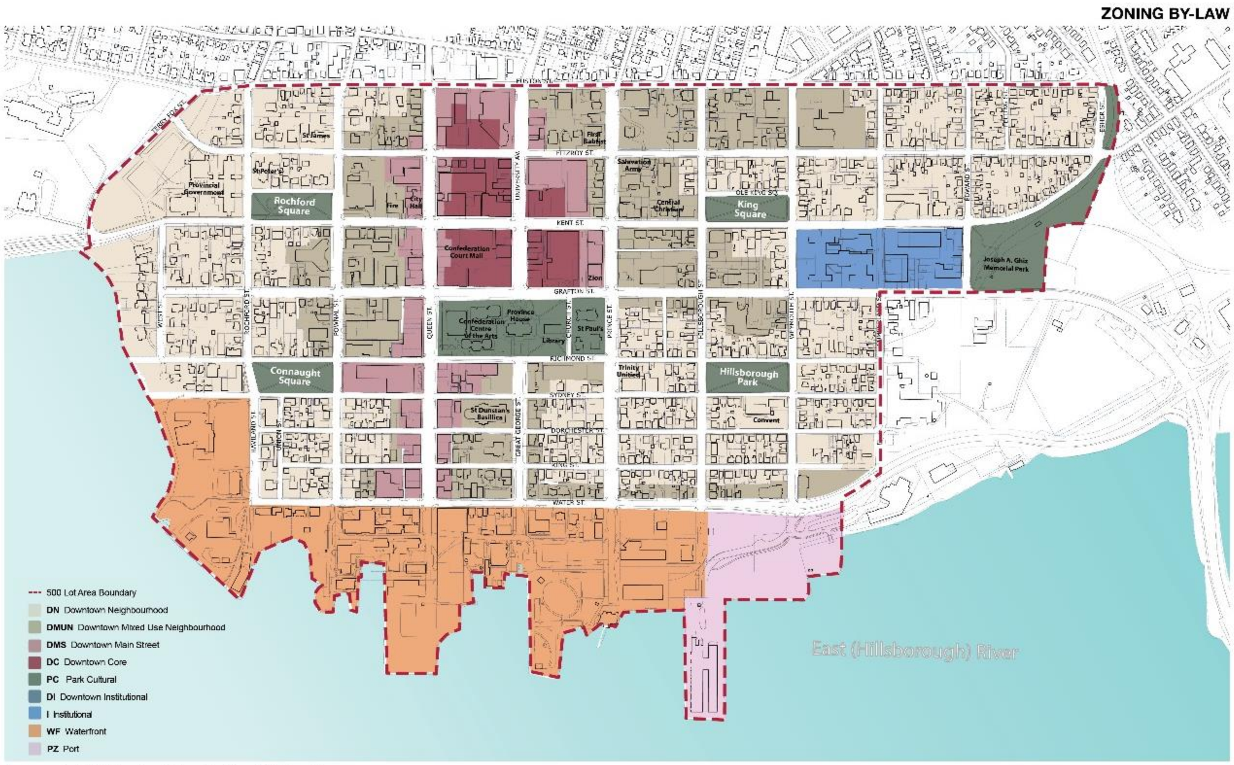
Schedule 'D' – Planning & Heritage Department – Schedule of Fees

Charlottetown Planning & Heritage Department Schedule of Permit and Process Fees, effective following 2nd reading and adoption the Fees Bylaw Amendment Bylaw #2018-18-A (amending bylaw adopted 10-Jun-2019)

APPENDIX G. ZONING MAP



APPENDIX H. 500 LOT AREA MAP



Appendix "J" Zoning Map for the 500 Lot Area

APPENDIX I. BYLAW REVISION HISTORY

Amendment No./ Revision No.	First Reading	Second Reading	Minister Approval	Property/ Amendment Reference:	Details:
000	08/01/2018	09/01/2018	10/01/2018	n/a	Repeal of old Zoning & Development Bylaw and adoption of 2018-11
001	07/09/2018	08/13/2018	08/29/2018	Bylaw Amendment #2018-07-03 MacWilliams Road (PID #192161)	Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Community Institutional for a portion of the property located on MacWilliams Road (PID #192161); Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential (R-2) Zone to the Institutional (I) Zone for a portion of the property located on MacWilliams Road (PID #192161);
002	07/09/2018	08/13/2018	09/26/2018	Bylaw Amendment #2018-07-01 Lot 2014-3 Michelle Crescent (PID #1076686)	Amend the original Development Concept Plan and Development Agreement pertaining to Lot 2014-3 Michelle Crescent (PID #1076686)subject to the setbacks for the proposed buildings meeting the R-3 Zone requirements with the exception of the rear yard setbacks for the building being 16 feet
003	07/09/2018	08/13/2018	09/26/2018	Bylaw Amendment #2018-07-02 Upton Road (PID #704536)	Rezone property on Upton Road (PID # 704536) located immediately north of the Provincial Tree Nursery and amend Schedule "H" the Zoning Map of the City of Charlottetown from R-1S (Single Detached Residential Zone) to R-2S (Low Density Residential Zone)
004	07/09/2018	08/13/2018	09/26/2018	Bylaw Amendment #2018-07-04 36-38 Karen Drive (PID #524132)	Amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Single-Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone in order to rezone the property located on 36-38 Karen Drive (PID #524132)
005	09/10/2018	10/09/2018	10/26/2018	Bylaw Amendment #2018-09-01 34 Jardine Street (PID#1053032) Lot 2009-1 Skyline Drive (PID#1034685) Lot 2002-6 Amanda Drive (PID#939819)	1. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Open Space(OS) Zone for the property located at 34 Jardine Street (PID#1053032); 2. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Single-Detached Residential (R-1L) Zone to the Open Space(OS) Zone for the property located at Lot 2009-1 Skyline Drive (PID#1034685); and 3. Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Open Space (OS) Zone to the Single-Detached Residential (R-1L) Zone for the property located at Lot 2002-6 Amanda Drive (PID#939819)

Amendment No./ Revision No.	First Reading	Second Reading	Minister Approval	Property/ Amendment Reference	Details:
006	9/10/2018	10/09/2018	11/27/2018	Bylaw Amendment #2018-09-02	Amend Section 44.2.1.n and Section 44.13.3 of the Zoning & Development By-law in order to allow additional signage to identify points of access / egress on institutional properties seven (7) acres or larger
007	11/13/2018	12/04/2018	01/08/2019	Bylaw Amendment #2018-11-01	1. Amend Appendix "A" – Future Land Use Map of the Official Plan from the Low Density Residential designation to the Concept Planning Area designation for a portion of the property located on Mount Edward Road (PID #390740); 2. Amend Appendix "G" – Zoning Map of the Zoning & Development By-law from the Low Density Residential Single (R-2S) Zone to the Comprehensive Development Area (CDA) Zone for a portion of the property located on Mount Edward Road (PID #390740); 3. Amend Appendix "A" – Future Land Use Map of the Official Plan from the Low Density Residential designation to the Concept Planning Area designation for the property located on Mount Edward Road (PID #492405); 4. Amend Appendix "G" – Zoning Map of the Zoning & Development By-law from the Low Density Residential Single (R-2S) Zone to the Comprehensive Development Area (CDA) Zone for the property located on Mount Edward Road (PID #492405); 5. Consolidate the portion of the property located on Mount Edward Road (PID #390740) with the property located on Mount Edward Road (PID #492405), subject to the receipt of final pinned survey plans; and 6. Amend Appendix "B" – Comprehensive Development Area (CDA) Parcels and Permitted Uses of the Zoning & Development By-law from allowing a residential building on the street with the back portion vacant to 143 residential dwelling units on 5.05 acres of the property located on Mount Edward Road (PID #390740), subject to the approval of the Development Concept Plan, Design Review approval, the submission of a traffic study that supports the proposed and future development and the signing of a Development Agreement

Amendment No./ Revision No.	First Reading	Second Reading	Minister Approval	Property/ Amendment Reference	Details:
008	11/13/2018	12/04/2018	01/08/2019	Bylaw Amendment #2018-11-02	Obtain a site specific exemption of the Downtown Mixed-Use Neighbourhood (DMUN) Zone of the Zoning & Development By-law as it pertains to 80 Grafton Street (PID #340265) in order to construct a five (5) storey mixed-use development and allow the applicant to enter into an agreement with the City to provide fifteen of the required parking spaces off-lot in the Pownal Parkade (100 Pownal Street, PID #340414) for a period of not less than 10 with the rest of the required parking spaces to be paid through cash-in-lieu ($6,000 per parking space required), subject to Design Review approval and the signing of a Development Agreement including bonusing agreement and parking requirements.
009	11/13/2018	12/04/2018	01/08/2019	Bylaw Amendment #2018-11-03	Zone the property (PID #1073634) adjacent to 137 Belgrave Drive (PID #625574) to Single-Detached Residential (R-1L) Zone and to designate the same property as Residential on Appendix A of the Official Plan.
010	02/11/2019	03/11/2019	03/19/2019	Bylaw Amendment #2018-11-012	Amendments to the Bylaw pertaining to Affordable Housing
011	02/11/2019	03/11/2019	03/22/2019	Bylaw Amendment #2018-11-012	Amendments to the Bylaw pertaining to Design Review, Home Occupations, Parking, Marijuana Production Facilities and Temporary Use Variances
012	02/11/2019	03/11/2019	03/28/2019	Bylaw Amendment #2018-11-010 #2018-11-013	Append Appendix "G" - Zone the property at 562 Malpeque Road from Single-Detached Residential (R-1L) to Medium Density Residential (R-3). Renumber the Zoning & Development Bylaw from 2018-11 to PH-ZD,2
013	05/17/2019	06/10/2019	N/A	#2018-18-A	Appendix F. Fee Schedule (Effective April 1, 2016) is amended to reference to Fees Bylaw (Bylaw 2018-18) adopted on June 10, 2019
014	04/08/2019	05/13/2019	06/04/2019	#2018-11-017	Amend sections of the Zoning & Development Bylaw (Bylaw 2018-11) relating to definitions/ regulations pertaining to Transitional Housing Facility, Site regulations for Lodging Houses, Group Homes, Major development landscaping requirements; and General Housekeeping amendments pertaining to Undersized Lot regulations and reference corrections.

Amendment No./ Revision No.	First Reading	Second Reading	Minister Approval	Property/ Amendment Reference	Details:
015	04/08/2019	05/13/2019	06/04/2019	#2018-11-014	Rezone the property at 197 Minna Jane Drive (PID #469841) from Comprehensive Development Area (CDA) Zone to the Highway Commercial (C-2) Zone *(Zoning Map for update)*
	06/10/2019	07/08/2019	07/30/2019	#2018-11-018	Obtain a site specific exemption in the Single-Detached Residential (R-1L) Zone of the Zoning & Development Bylaw as it pertains to 185 Brackley Point Road (PID #390963) in order to allow an Automobile Body Shop and a Transportation Service establishment (taxi stand) as permitted uses
	06/10/2019	07/08/2019	08/20/2019	#2018-11-019	Amend sections of the Zoning & Development Bylaw (Bylaw 2018-19) relating to definitions pertaining to Heritage Inn, Tourist Accommodation, Welding and Metal Fabrication and general text amendments to sections relating to Home Occupations, Tourist Accommodations, Regulations for Semi-Detached Dwellings, Waterfront Zone Design Standards, and Parking
016	04/08/2019	05/13/2019	06/04/2019	#2018-11-014	Zoning Map updated for 197 Minna Jane Drive (PID #469841).
	07/08/2019	08/12/2019	10/08/2019	#PH-ZD.2.016	Rezone the property at 7 Lions Crescent (PID #278721) from Single-Detached Residential (R-1S) Zone to Medium Density Residential (R-3) Zone
	08/12/2019	09/09/2019	10/08/2019	#PH-ZD.2.017	Rezone the property at 221 Belvedere Ave (PID #395087) from Low Density Residential (R-2) Zone to Parking (P) Zone.
	08/12/2019	09/09/2019	10/08/2019	#PH-ZD.2-018	Rezone the property 71 &73 Upper Prince Street (PID #s 683748 & 359521) from Low Density Residential (R-2) to Medium Density Residential (R-3) Zone.
017	11/12/2019	11/25/2019	12/19/2019	#PH-ZD-2.021	Amend sections of the Zoning & Development Bylaw (Bylaw PH-ZD.2) relating to definitions pertaining to Operations, Minor and Major Variances, Design Review, Accessory Structures, Non-Conforming Buildings, Non-Conforming Uses, Parking Space Standards, Subdivision Regulations for Decreased Lot Size through Variance, General Provisions for Fascia Signs, Reinsertion of the Downtown Main Street (DMS) Zone in the General Provision Table for Signage pertaining to Free Standing, Sandwich Board signs and Temporary Banners and Exemptions to sign regulations for Designated properties
018	12/09/2019	01/13/2020	02/07/2020	#PH-ZD.2-022	Amend an existing development concept plan and development agreement in the CDA Zone from two (2) buildings with eighty eight (88) units in total to one building with eighty eight (88) units and increase the height from 50 ft. to 62 ft. for Lot 2014-6 Towers Road

Amendment No./ Revision No.	First Reading	Second Reading	Minister Approval	Property/ Amendment Reference	Details:
019	01/13/2020	02/10/2020	03/19/2020	#PH-ZD.2-023	Amend sections of the Zoning & Development Bylaw (Bylaw PH-ZD.2) pertaining to Appendix A. Definitions
	02/10/2020	03/09/2020	05/14/2020	#PH-ZD.2-024	Rezone the property at 213 Kensington Road (PID #385849) from Single-Detached Residential (R-1L) to Low Density Residential (R-2) Zone.
	02/10/2020	03/09/2020	05/05/2020	#PH-ZD.2-025	Rezone the properties at Kensington Road (PID #278895) from Light Industrial (M-1) Zone to the Mixed-Use Corridor (MUC) Zone.
	05/11/2020	05/13/2020	05/25/2020	#PH-ZD-2.027	Site specific exemption in the Industrial (I) Zone as it pertains to 550 University Ave (PID #373126) in order to allow the proposed nine (9) storey (35.4m) dormitory/residence be constructed in the property which exceeds the maximum building height in the I Zone.
020	06/16/2020	07/13/2020	09/17/2020	#PH-ZD.2-026	Rezone the property at 9 Pine Drive (PID #393322) from the Single-Detached Residential (R-1L) Zone to the Medium Density (R-3) Zone.
	07/13/2020	08/10/2020	08/17/2020	#PH-ZD.2-028	Rezone the property at Lot 19-1 Sherwood Road (PID #1107200) from the Comprehensive Development Area (CDA) to the Business Park Industrial (M-3) Zone.
	07/13/2020	08/10/2020	10/01/2020	#PH-ZD.2.-029	Amend sections of the Zoning & Development Bylaw (Bylaw PH-ZD.2) pertaining to Mobile Canteens, Manufactured Housing Residential (MHR) Zone, Dormitory into the Institutional (I) as a permitted use, Storage Facility into the Light (M1), Heavy (M2), and Business Park Industrial (M-3) Zone(s) as permitted uses, Parking Space Standards and Appendix A: Definitions.
	09/14/2020	09/17/2020	10/21/2020	#PH-ZD.2-035	Rezone the subject properties located at 115 Murchison Lane (PID #s 425893 & 691162) from the Institutional *(I) Zone and Business Park Industrial (M-3) Zone to Comprehensive Development Area (CDA) Zone.
	09/14/2020	09/17/2020	11/03/2020	#PH-ZD.2-031	Rezone the property located at 40-42 Kensington Road/3 Park Street (PID #365676) from the Low Density Residential (R-2) Zone to the Medium Density Residential (R-3) Zone.

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021	09/14/2020	10/13/2020	12/14/2020	#PH-ZD.2-030	Rezone the subject property located at 35 Connolly Street (PID #358556) from the Shopping Centre Commercial (C-3) Zone to the Mixed-Use Corridor (MUC) Zone.
	09/14/2020	10/13/2020	12/14/2020	#PH-ZD.2-032	Amend the Development Concept Plan and Development Agreement to increase the density from 60 to 62 units as it pertains to 53 Towers Road (Lot 2014-5) (PID #1076702).
	09/14/2020	10/13/2020	01/04/2021	#PH-ZD.2-033	Amend sections of the Zoning & Development Bylaw (Bylaw PH-ZD.2) pertaining to Section 20: Medium Density Mixed Use (MUR) Zone mixing formula for housing types to allow better placement of similar dwellings; Section 45.12: Private Street Access being removed and repealed; 3) Section 45.6: General Provisions for Subdivision pertaining to private roads; and Section 44.12.4: Regulations for Fascia Sign General Provisions to allow fascia signage to be located at the top of a four (4) storey street wall or the top of a building impacted by a step back.
	10/13/2020	10/20/2020	01/04/2021	#PH-ZD.2-036	Rezone the subject property located at 428 Queen Street (PID #368134) from the Medium Density Residential (R-3) Zone to the Mixed-Use Corridor (MUC) Zone.
	10/13/2020	10/20/2020	01/04/2021	#PH-ZD.2-038	Amend the Development Concept Plan and Development Agreement by amending Appendix B of the Zoning and Development Bylaw for the property at 45 Towers Road (Lot 2014-4) (PID #1076694)
	10/13/2020	10/20/2020	01/04/2021	#PH-ZD.2-039	Rezone a portion of the subject property located at 12 Valley Street (PID #358192) from the Low Density Residential (R-2) Zone to the Mixed-Use Corridor (MUC) Zone.
022	12/14/2021	12/17/2020	01/25/2021	#PH-ZD.2.042	Rezone the property at Lot 18-2 Sherwood Road (PID #455642) from Business Park Industrial (M-3) to the Highway Commercial (C-2) Zone.
	12/14/2020	12/17/2020	02/03/2021	#PH-ZD.2-040	Rezone a portion of the vacant property located on the corner of MacRae Drive and Norwood Road (PID #192401) from the Single-detached residential (R-1L) Zone to the Low Density Residential (R-2) Zone.
	11/09/2020	12/14/2020	02/11/2021	#PH-ZD.2-041	Rezone a portion of the property at 505 Malpeque Road (PID #145466) from Highway Commercial (C-2) to Single-Detached Residential Large (R-1L) Zone and Open Space (OS); and rezone a portion of the properties along Patrie Lane (PID #s 676213 and 1117167) from Open Space (OS) to Single-Detached Residential Large (R-1L).

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023	11/06/2020	12/14/2020	02/26/2021	#PH-ZD.2.034	Amend Appendix B. Comprehensive Development Area (CDA) Parcels and Permitted uses for the properties located at Mount Edward Road (PID #s 390534& 390559) to amend an existing development concept plan and development agreement in the CDA Zone to facilitate a mixed-use development; and add PID #390542 as being rezoned to CDA to facilitate a mixed-use development. Rezone the property at Mount Edward Road (PID #390542) and a portion of PID #390559 from Low Density Residential (R-2S) to Comprehensive Development Area (CDA) Zone.
	02/08/2021	02/22/2021	03/10/2021	#PH-ZD.2-043	Rezone a portion of the property at Norwood Road/Friar Drive (PID #416305) from Low Density Residential (Small) (R-2S) to Manufactured Housing Residential (MHR) Zone.
024	04/12/2021	05/10/2021	06/03/2021	#PH-ZD.2-045	Amend Appendix C – Approved Site Specific Exemptions to exempt 7-9 Pownal Street (PID #1105451) from Section 34.2 from the required Permitted Land Uses at Grade on Walkable Streets to permit residential dwelling units and office use on the ground floor along a designated Walkable Street.
025	05/10/2021	06/14/2021	08/09/2021	#PH-ZD.2-046	To permit a six (6) storey apartment building as it applies to 199 Grafton Street (PID #342790) by amending "Appendix C – Approved Site Specific Exemptions" as per Section 3.11 Site-Specific Exemptions of the Zoning and Development Bylaw (the "Bylaw") to exempt 199 Grafton Street (PID #342790) from certain provisions of: i. Section 30.2 "Regulations For Permitted Uses" in the Downtown Mixed Use Neighbourhood (DMUN) Zone; and, ii. Section 30.3 "Bonus Height Development Standards" in the Downtown Mixed Use Neighbourhood (DMUN) Zone in order to allow a six (6) storey, 84-unit apartment building with parking located within and under the building. The following are the variances comprised within the site specific exemption for the property: • Height variance to six (6) storeys if bonus height is approved under section 3.12 of the Bylaw. 60.7 ft. is permitted. The proposed height is 70.4 ft.; therefore, a 9.7 ft. variance is required. • Height variance to four (4) storeys if bonus height is not approved under section 3.12 of the Bylaw. 39.4 ft. is permitted. The proposed height is 47.6 ft. to the top of fourth storey; therefore, an 8.2 ft variance is required. • Flankage yard variance along Clark Street. 7.9 ft. is required for the base

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					Cont'd from Amendment No. 025 building setback. The proposal is for a 2 ft. setback; therefore, a 5.9 ft. variance is required. • Step back above fourth storey on Clark Street. It requires a 9.8 ft. step back from base building; therefore, combined with the required setback, a 15.7 ft. variance is required. • If bonus height is approved under section 3.12 of the Bylaw, lot width for bonus height on Hillsborough Street. 98.4 ft. of frontage is required. There is 74.5 ft. of frontage along Hillsborough Street; therefore, a 23.9 ft. variance is required. • Side yard setback to the building located at 142-146 Prince Street. A 3.9 ft. setback is required to be equal to the side yard setback of the existing building at 142-146 Prince Street. The setback for the proposed building is 1.96 ft.; therefore, a 1.94 ft variance is required. • An exemption from Section 7.11.3 of the Zoning and Development Bylaw for the parking structure which states: "Where a parking structure fronts on a street, ○ The ground-level façade shall incorporate retail, public or other active uses, as well as provide pedestrian amenities such as an awning, canopy, or sheltered entryway; and, The front façade shall be designed to conceal the parking levels and gives the visual appearance of a multi-storey building articulated with bays and window openings.
026	06/28/2021	07/05/2021	09/07/2021	#PH-ZD.2-044	Rezone Angus Drive (Lot 40) (PID #419143) from Single Detached Residential (Large) (R-1L) Zone to the Parking (P) Zone; and 413 St. Peters Road (PID #419135) from Low Density Residential (R-2) Zone to the Parking (P) Zone."
027	07/12/2021	08/09/2021	10/06/2021	#PH-ZD.2-047	Amend sections of the Zoning & Development Bylaw (Bylaw PH-ZD.2) pertaining to: • Section 1.4.2: Include MHR Zone into Zoning Table; • Section 3.1.1: Amend Fee Schedule reference from Appendix "E" to Appendix "F"; • Section 3.3 Expiry of incomplete building & development permit applications after six months of inactivity; • Section 3.9: Clarify regulations subject to the variance process and update section to permit limited signage with approved murals;

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					Cont'd from Amendment No. 027 • Section 4.1.2: Replace "Gross Floor Area" with "Building Footprint" in the Accessory Buildings Table and include a subsection to prohibit basements in accessory structures; • Section 4.2.2:Amend the height above grade for a deck to 0.3m (1 ft); • Section 6.2: Repeal and replace section to clarify minimum development rights by allowing for a single detached dwelling; • Section 6.7:Insert new subsection 6.7 to standardize site requirements for garbage storage areas on multi-residential developments; and renumber subsequent subsections; • Section 8.1.1: Include MHR into Zoning Table; • Section 17: Remove and repeal apartment dwellings as a permitted use in the zone; • Section 21.1.1: Clarify the permitted uses within the zone as Townhouse Dwellings, Semi-detached or Duplex Dwellings, Single-detached Dwellings, Nursing Homes and Community Care Facilities, • Section 45: Insert additional fascia sign requirements for buildings over four (4) storeys in height in the 500 Lot Area; • Appendix A.insert definition for "Footprint"; and amend definition for "Multi-unit Dwelling"